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Government of West Bengal
Legislative Department

The West Bengal Code

Second edition

In Eight Volumes

Volume VIII

Bengal Acts, 1958 to 1964

and

Eastern Bengal and Assam Acts, 1907 to 1912.

(As modified up to the 31st January, 1965)

Superintendent, Government Printing
West Bengal Government Press, Alipore, West Bengal

1965

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CHRONOLOGICAL TABLE OF ENACTMENTS.

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1958	III	... The West Bengal Sales Tax (Amendment) Act, 1958.	...	Amending Act. Not printed.
1958	IV	... The West Bengal Molasses Control (Amendment) Act, 1958.	...	Amending Act. Not printed.
1958	V	... The West Bengal Appropriation (No. 2) Act, 1958.	13—21	
1958	VI	... The West Bengal Estates Acquisition (Amendment) Act, 1958.	...	Amending Act. Not printed.
1958	VII	... The Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land (Amendment) Act, 1958.	...	Amending Act. Not printed.
1958	VIII	... The R. G. Kar Medical College and Hospital Act, 1958.	23—26	
1958	IX	... The Bengal Development (Amendment) Act, 1958.	...	Amending Act. Not printed.
1958	X	... The West Bengal Premises Tenancy (Amendment) Act, 1958.	...	Amending Act. Not printed.
1958	XI	... The West Bengal Taxes on Entry of Goods in Local Areas (Amendment) Act, 1958.	...	Amending Act. Not printed.
1958	XII	... The Calcutta Municipal (Amendment) Act, 1958.	...	Amending Act. Not printed.
1958	XIII	... The Indian Red Cross Society (Bengal Branch) (Amendment) Act, 1958.	...	Amending Act. Not printed.
1958	XIV	... The Sagore Dutt Hospital Act, 1958.	27—31	
1958	XV	... The Bengal (Rural) Primary Education (Amendment) Act, 1958.	...	Amending Act. Not printed.
1958	XVI	... The Presidency Small Cause Courts (West Bengal Amendment) Act, 1958.	...	Not printed. Amendments incorporated in principal Act included in Volume I.
1958	XVII	... The Industrial Disputes (West Bengal Amendment) Act, 1958.	33	
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CHRONOLOGICAL TABLE OF ENACTMENTS—*contd.*

Year.	No.	Short title.	Page.	Remarks.
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1959	II	...	The West Bengal Closing of Canals Act, 1959.	95—96
1959	III	...	The West Bengal Appropriation Act, 1959.	97—105
1959	IV	...	The West Bengal Appropriation (No. 2) Act, 1959.	107—110
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1959	VI	...	The Bengal Public Parks (Amendment) Act, 1959.	...
1959	VII	...	The West Bengal Tax Laws (Amendment) Act, 1959.	...
1959	VIII	...	The Calcutta Sheriff's (Amendment) Act, 1959.	...
1959	IX	...	The West Bengal Maternity Benefit (Tea Estates) Amendment Act, 1959.	...

Amending Act. Not printed.

Amending Act. Not printed.

Amending Act. Not printed.

Amending Act. Not printed.

Amending Act. Not printed.

Amending Act. Not printed.

Amending Act. Not printed.

Amending Act. Not printed. The principal Act is repugnant to the Maternity Benefit Act, 1961, a Central Act dealing with the same subject-matter.

CHRONOLOGICAL TABLE OF ENACTMENTS—*contd.*

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No.	Short title.	Page.	Remarks.
2	3	4	5

PART I.—West Bengal Acts, 1958—1964—*contd.*

X	...	The West Bengal Transferred Territories (Assimilation of Laws) (Amendment) Act, 1959.	...	Amending Act. Not printed.
XI	...	The Industrial Disputes (West Bengal Amendment) Act, 1959.	111	
XII	...	The Calcutta Municipal (Amendment) Act, 1959.	...	Amending Act. Not printed.
XIII	...	The Bengal Finance (Sales Tax) (Amendment) Act, 1959.	...	Amending Act. Not printed.
XIV	...	The West Bengal <i>Khadi</i> and Village Industries Board Act, 1959.	118—133	
XV	...	The West Bengal <i>Panchayat</i> (Amendment) Act, 1959.	125—126	
XVI	...	The Bengal Legislative Assembly (Members' Emoluments) (Amendment) Act, 1959.	...	Amending Act. Not printed.
XVII	...	The City Civil Court (Amendment) Act, 1959.	...	Amending Act. Not printed.
XVIII	...	The Calcutta Official Receiver's (Amendment) Act, 1959.	...	Amending Act. Not printed.
XIX	...	The Howrah Bridge (Amendment) Act, 1959.	...	Amending Act. Not printed.
XX	...	<i>The Murshidabad Estate Administration (Amendment) Act, 1959.</i>	...	<i>Repealed by West Ben. Act II of 1963.</i>
XXI	...	The Private Fisheries Protection (Amendment) Act, 1959.	...	Amending Act. Not printed.
XXII	...	The West Bengal Legislature (Removal of Disqualifications) (Amendment) Act, 1959.	...	Amending Act. Not printed.
XXIII	...	The Court-fees (West Bengal Amendment) Act, 1959.	...	Not printed. Amendments incorporated in principal Act included in Volume I.
XXIV	...	The Calcutta <i>Thika</i> Tenancy (Amendment) Act, 1959.	...	Amending Act. Not printed.
XXV	...	The West Bengal Wild Life Preservation Act, 1959.	127—138	
XXVI	...	The Dentists (West Bengal Amendment) Act, 1959.	139	
XXVII	...	The West Bengal Premises Tenancy (Amendment) Act, 1959.	...	Amending Act. Not printed.

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Year. 1	No. 2	Short title. 3	Page. 4	Remarks. 5
PART I.—West Bengal Acts, 1958—1964— <i>contd.</i>				
✓ 1961	XIII ...	The Paschim Banga Ayurvedic System of Medicine Act, 1961.	265-280	
1961	XIV ...	The Bengal Finance (Sales Tax) (Amendment) Act, 1961.	...	Amending Act. Not printed.
1961	XV ...	The West Bengal Secondary Education (Amendment) Act, 1961.	...	Amending Act. Not printed.
1961	XVI ...	The Calcutta University (Second Amendment) Act, 1961.	...	Amending Act. Not printed.
1961	XVII ...	The Bengal Local Self-Government (Second Amendment) Act, 1961.	...	Amending Act. Not printed.
1961	XVIII ...	The Bengal Municipal (Second Amendment) Act, 1961.	...	Amending Act. Not printed.
1961	XIX ...	The West Bengal Estates Acquisition (Second Amendment) Act, 1961.	...	Amending Act. Not printed.
1961	XX ...	The Calcutta Improvement (Amendment) Act, 1961.	...	Amending Act. Not printed.
1961	XXI ...	The Chota Nagpur Tenancy (West Bengal Amendment) Act, 1961.	281-283	
1961	XXII ...	The West Bengal Standards of Weights and Measures (Enforcement) (Amendment) Act, 1961.	...	Amending Act. Not printed.
1961	XXIII ...	The West Bengal Lifts and Escalators (Amendment) Act, 1961.	...	Amending Act. Not printed.
1961	XXIV ...	The West Bengal Official Language Act, 1961.	285-286	
1961	XXV ...	The Industrial Disputes (West Bengal Amendment) Act, 1961.	287	
1961	XXVI ...	The West Bengal Societies Registration Act, 1961.	289-302	
✓ 1961	XXVII ...	The North Bengal University Act, 1961.	303-320	✓
1961	XXVIII ...	The Bengal Amusements Tax (Amendment) Act, 1961.	...	Amending Act. Not printed.
1961	XXIX ...	The Rabindra Bharati Act, 1961.	321-338	
1962	I ...	The West Bengal Appropriation Act, 1962.	339-342	
1962	II ...	The West Bengal Appropriation (Vote on Account) Act, 1962.	343-350	
1962	III ...	The Bengal Public Demands Recovery (Amendment) Act, 1962.	...	Amending Act. Not printed.
1962	IV ...	The Calcutta Municipal (Amendment) Act, 1962.	...	Amending Act. Not printed.

CHRONOLOGICAL TABLE OF ENACTMENTS—*contd.*

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Year.	No.	Short title.	Page.	Remarks.
1	2	3	4	5
Part I.—West Bengal Acts, 1958—1964— <i>contd.</i>				
1962	V ...	The Cooch Behar Municipal (Amendment) Act, 1962.	351-352	
1962	VI ...	The Bihar and Orissa Municipal (West Bengal Amendment) Act, 1962.	353-354	
1932	VII ...	The West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1962.	...	Amending Act. Not printed.
1962	VIII ...	The Tulsiram Lakshmi Devi Jaiswal Hospital Act, 1962.	355-357	
1962	IX ...	The West Bengal Appropriation (No. 2) Act, 1962.	359-367	
1962	X ...	The Indian Stamp (West Bengal Amendment) Act, 1962.	...	Not printed. Amendments incorporated in principal Act included in Volume I.
✓ 1962	XI ...	The West Bengal Home Guards Act, 1962.	363-371	
1962	XII ...	The National Defence Fund (West Bengal Collection) Act, 1962.	373-374	
1962	XIII ...	The West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962.	375-380	
1962	XIV ...	The Calcutta Municipal (Second Amendment) Act, 1962.	...	Amending Act. Not printed.
1962	XV ...	The Calcutta and Suburban Police (Amendment) Act, 1962.	...	Amending Act. Not printed.
1962	XVI ...	The West Bengal Land Reforms (Amendment) Act, 1962.	...	Amending Act. Not printed.
1962	XVII ...	The Bengal Finance (Sales Tax) (Amendment) Act, 1962.	...	Amending Act. Not printed.
✓ 1962	XVIII ...	The West Bengal Bhudan Yagna Act, 1962.	381-385	
1962	XIX ...	The Chota Nagpur Tenancy (West Bengal Amendment) Act, 1962.	387	
✓ 1962	XX ...	The West Bengal Taxes on Entry of Goods in Local Areas Act, 1962.	389-400	
1962	XXI ...	The Bengal Raw Jute Taxation (Amendment) Act, 1962.	...	Amending Act. Not printed.
1962	XXII ...	The Bengal Municipal (Amendment) Act, 1962.	...	Amending Act. Not printed.
1962	XXIII ...	The Howrah Bridge (Amendment) Act, 1962.	...	Amending Act. Not printed.

Year.	No.	Short title.	Page.	Remarks.
1	2	3	4	5
PART I.—West Bengal Acts, 1958—1964— <i>contd.</i>				
1962	XXIV ...	The Cooch Behar Municipal (Second Amendment) Act, 1962.	401—405	
1962	XXV ...	The Calcutta Municipal (Third Amendment) Act, 1962.	...	Amending Act. Not printed.
1962	XXVI ...	The West Bengal Fire Services (Amendment) Act, 1962.	...	Amending Act. Not printed.
1962	XXVII ...	The Jadavpur University (Amendment) Act, 1962.	...	Amending Act. Not printed.
1962	XXVIII ...	The West Bengal Requisitioned Land (Continuance of Powers) (Amendment) Act, 1962.	...	Amending Act. Not printed.
1962	XXIX ...	The West Bengal Land (Requisition and Acquisition (Second Amendment) Act, 1962.	...	Amending Act. Not printed.
1962	XXX ...	The Indian Stamp (West Bengal Second Amendment) Act, 1962.	...	Not printed. Amendments incorporated in principal Act included in Volume I.
1963	I ...	The Bengal Development (Amendment) Act, 1963.	...	Amending Act. Not printed.
1963	II ...	The Murshidabad Estate (Trust) Act, 1963.	407-413	
1963	III ...	The West Bengal Appropriation (Excess Expenditure, 1955-56, 1956-57, 1957-58 and 1958-59) Act, 1963.	415-419	
1963	IV ...	The Bengal Motor Vehicles Tax (Amendment) Act, 1963.	...	Amending Act. Not printed.
1963	V ...	The West Bengal Board of Secondary Education Act, 1963.	421—443	
1963	VI ...	The Bengal Municipal (Amendment) Act, 1963.	...	Amending Act. Not printed.
1963	VII ...	The Calcutta Municipal (Amendment) Act, 1963.	...	Amending Act. Not printed.
1963	VIII ...	The Bengal Local Self-Government (Amendment) Act, 1963.	...	Amending Act. Not printed.
1963	IX ...	The West Bengal Premises (Requisition and Control (Temporary Provisions) (Amendment) Act, 1963.	...	Amending Act. Not printed.
1963	X ...	The West Bengal Appropriation Act, 1963.	445—454	
1963	XI ...	The West Bengal Appropriation (No. 2) Act, 1963.	455—457	

CHRONOLOGICAL TABLE OF ENACTMENTS—*contd.*

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Year.	No.	Short title.	Page.	Remarks.
1	2	3	4	5
PART I.—West Bengal Acts, 1958-1964— <i>contd.</i>				
1963	XX	... The Bengal Co-operative Societies (Amendment) Act, 1963.	...	Amending Act. Not printed.
✓ 1963	XIII	... The West Bengal Shops and Establishments Act, 1963.	459-472	
1963	XIV	... The Bengal Finance (Sales Tax) (Amendment) Act, 1963.	...	Amending Act. Not printed.
1963	XV	... The West Bengal Sales Tax (Amendment) Act, 1963.	...	Amending Act. Not printed.
1963	XVI	... The Bengal Electricity Duty (Amendment) Act, 1963.	...	Amending Act. Not printed.
1963	XVII	... The Bihar Tenancy (West Bengal Amendment) Act, 1963.	473	
1963	XVIII	... The Court-fees (West Bengal Amendment) Act, 1963.	...	Not printed. The Amendments have been incorporated in the principal Act which has been included in Volume I.
1963	XIX	... <i>The West Bengal Local Authorities (Postponement of Elections) Act, 1963.</i>	...	<i>Repealed by West Bengal Act XXVI of 1963.</i>
1963	XX	... The West Bengal Development Corporation (Amendment) Act, 1963.	...	Amending Act. Not printed.
1963	XXI	... The Calcutta University (Amendment) Act, 1963.	...	Amending Act. Not printed.
1963	XXII	... The West Bengal Estates Acquisition (Amendment) Act, 1963.	...	Amending Act. Not printed.
1963	XXIII	... The West Bengal Official Language (Amendment) Act, 1963.	...	Amending Act. Not printed.
1963	XXIV	... The West Bengal Land Revenue and Cess (Apportionment) Act, 1963.	475-476	
1963	XXV	... The Bengal Co-operative Societies (Second Amendment) Act, 1963.	...	Amending Act. Not printed.
1963	XXVI	... The West Bengal Local Authorities (Postponement of Elections) Repealing Act, 1963.	477	
1963	XXVII	... The Bengal Finance (Sales Tax) (Second Amendment) Act, 1963.	...	Amending Act. Not printed.
1963	XXVIII	... The West Bengal Urban Primary Education Act, 1963.	479-487	
1963	XXIX	... The West Bengal Premises Requisition and Control (Temporary Provisions) (Second Amendment) Act, 1963.	...	Amending Act. Not printed.

Year.	No.	Short title.	Page.	Remarks.
1	2	3	4	5
PART I.—West Bengal Acts, 1958—1964— <i>contd.</i>				
1963	XXX ...	The Land Acquisition (West Bengal Amendment) Act, 1963.	...	Not printed. The amendments have been incorporated in the principal Act which has been included in Vol. I.
1963	XXXI ...	The Indian Red Cross Society (Bengal Branch) (Amendment) Act, 1963.	...	Amending Act. Not printed.
1963	XXXII ...	The West Bengal Land (Requisition and Acquisition (Amendment) Act, 1963.	...	Amending Act. Not printed.
✓ 1963	XXXIII ...	The West Bengal Homeopathic System of Medicine Act, 1963.	489—534	
1963	XXXIV ...	The West Bengal Anti-profiteering (Amendment) Act, 1963.	...	Amending Act. Not printed.
✓ 1963	XXXV ...	The West Bengal Zilla Parishads Act, 1963.	505—556	
1963	XXXVI ...	The West Bengal Public Land (Eviction of Unauthorised Occupants) (Amendment) Act, 1963.	...	Amending Act. Not printed.
1963	XXXVII ...	The West Bengal Board of Secondary Education (Amendment) Act, 1963.	...	Amending Act. Not printed.
1963	XXXVIII	The Police (West Bengal Amendment) Act, 1963.	557—539	
1963	XXXIX ...	The Murshidabad Estate (Trust) (Amendment) Act, 1963.	...	Amending Act. Not printed.
1963	XL ...	The West Bengal Estates Acquisition (Second Amendment) Act, 1963.	...	Amending Act. Not printed.
✓ 1963	XLI ...	The West Bengal Warehouses Act, 1963.	561—573	
1964	I ...	The West Bengal Criminal Law (Amendment) Act, 1964.	575—576	
1964	II ...	The West Bengal <i>Bhudan Yagna</i> (Amendment) Act, 1964.	...	Amending Act. Not printed.
1964	III ...	The Indian Red Cross Society (Bengal Branch) (Validation) Act, 1964.	577—578	
1964	IV ...	The West Bengal Appropriation Act, 1964.	579—588	
1964	V ...	The West Bengal Appropriation (No. 2) Act, 1964.	589—598	
1964	VI ...	The Calcutta <i>Thika</i> Tenancy (Amendment) Act, 1964.	...	Amending Act. Not printed.
1964	VII ...	The West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1964.	...	Amending Act. Not printed.

CHRONOLOGICAL TABLE OF ENACTMENTS—*contd.*

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Year.	No.	Short title.	Page.	Remarks.
1	2	3	4	5
PART I.—West Bengal Acts, 1958—1964— <i>contd.</i>				
1964	VIII ...	The West Bengal Panchayat (Amendment) Act, 1964.	...	Amending Act. Not printed.
1964	IX ...	The Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land (Continuance of Provisions) Act, 1964.	595—597	
1964	X ...	The West Bengal Societies Registration (Amendment) Act, 1964.	...	Amending Act. Not printed.
1964	XI ...	The Puri Lodging-house and the Puri Lodging-house (Extension) (Repealing) Act, 1964.	599	
1964	XII ...	The Jadavpur University (Amendment) Act, 1964.	...	Amending Act. Not printed.
1964	XIII ...	The West Bengal Transferred Territories (Assimilation of Laws) (Amendment) Act, 1964.	...	Amending Act. Not printed.
1964	XIV ...	The West Bengal Criminal Law Amendment (Special Courts) (Amending) Act, 1964.	...	Amending Act. Not printed.
1964	XV ...	The West Bengal Appropriation (Excess Expenditure, 1959-60 and 1960-61) Act, 1964.	601—603	
1964	XVI ...	The Calcutta Municipal (Amendment) Act, 1964.	...	Amending Act. Not printed.
1964	XVII ...	The Indian Stamp (West Bengal Amendment) Act, 1964.	...	Not printed. Amendments incorporated in principal Act included in Vol. I.
1964	XVIII ...	The Calcutta Municipal (Second Amendment) Act, 1964.	...	Amending Act. Not printed.
1964	XIX ...	The West Bengal Official Language (Amendment) Act, 1964.	...	Amending Act. Not printed.
1964	XX ...	The West Bengal National Volunteer Force (Amendment) Act, 1964.	...	Amending Act. Not printed.
1964	XXI ...	The City Sessions Court (Amendment) Act, 1964.	...	Amending Act. Not printed.
1964	XXII ...	The West Bengal Estates Acquisition (Amendment) Act, 1964.	...	Amending Act. Not printed.
1964	XXIII ...	The West Bengal Cess (Amendment) Act, 1964.	...	Amending Act. Not printed.
1964	XXIV ...	The Land Acquisition (West Bengal) (Amendment) Act, 1964.	...	Not printed. The amendments have been incorporated in the principal Act which has been included in Vol. I.

Year.	No.	Short title.	Page.	Remarks.
1	2	3	4	5
PART I.—West Bengal Acts, 1958—1964— <i>concl'd.</i>				
1964	XXV ...	The West Bengal Mining Settlements (Health and Welfare) Act, 1964.	605—623	
1964	XXVI ...	The Police (West Bengal Amendment) Act, 1964.	625—626	
1964	XXVII ...	The West Bengal <i>Gramdan</i> Act, 1964.	627—642	
1964	XXVIII...	The West Bengal Highways Act, 1964	643—650	

Year.	No.	Short title.	Page.	Remarks.
1	2	3	4	5
PART II.—Eastern Bengal and Assam Acts, 1907 to 1912.				
1907	I ...	The Eastern Bengal and Assam Land Registration (Amendment) Act, 1907.	...	Amending Act. Not printed.
1907	II ...	The Eastern Bengal and Assam Disorderly Houses Act, 1907.	651—652	
1907	III ...	The Eastern Bengal and Assam Court of Wards (Amendment) Act 1907.	...	Amending Act. Not printed.
1908	I ...	The Eastern Bengal and Assam Tenancy (Amendment) Act, 1908.	...	Amending Act. Not printed.
1912	II ...	The Jalpaiguri Labour Act, 1912.	...	Not printed. This Act is superfluous and unnecessary in that an Act of Parliament has been passed dealing with the same subject-matter.

The West Bengal Code

Volume VIII

West Bengal Act I of 1958¹

THE WEST BENGAL APPROPRIATION (VOTE ON ACCOUNT) ACT, 1958.

[18th March, 1958.]

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of West Bengal for the service of a part of the financial year 1958-59.

WHEPEAS it is expedient to provide for the withdrawal of certain sums from and out of the Consolidated Fund of West Bengal for the service of a part of the financial year 1958-59 ;

It is hereby enacted in the Ninth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the West Bengal Appropriation (Vote on Account) Act, 1958.

Short title.

2. From and out of the Consolidated Fund of West Bengal there may be withdrawn sums not exceeding those specified in column 2 of the Schedule amounting in the aggregate to the sum of fifty-three crores, nine lakhs and twenty-eight thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1958-59.

With-
drawal of
Rs.
53,09,28,000
from and
out of the
Consoli-
dated Fund
of West
Bengal for
the finan-
cial year
1958-59.

3. The sums authorised to be withdrawn from and out of the consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appro-
priation.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of 1953, Part IVA, page 708 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 28th February, 1958 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 3rd March, 1958.

The West Bengal Appropriation (Vote on Account) Act, 1958.

[West Ben. Act

(Schedule.)

SCHEDULE.

(See sections 2 and 3.)

1	2		
Services and purposes.	Sums not exceeding		
	Voted by the Legislative Assembly.	Charged on the Consoli- dated Fund.	Total.
	Rs.	Rs.	Rs.
A—Direct Demand on the Revenue.			
4—Taxes on Income other than Corporation Tax and Estate Duty.	1,92,000	1,000	1,93,000
7—Land Revenue	1,43,48,000	...	1,43,48,000
AA—Principal Revenue Heads—Forest and other Capital Accounts outside the Revenue Account.			
5—Payment of Compensation to Land Hol- ders, etc. of the abolition of the Zemin- dary System.	50,00,000	...	50,00,000
A—Direct Demand on Revenue.			
8—State Excise Duties	14,04,000	...	14,04,000
9—Stamps	2,90,000	...	2,90,000
0—Forest	30,11,000	...	30,11,000
1—Registration	7,34,000	...	7,34,000
2—Taxes on Vehicles ... ..	...	2,35,000	2,35,000
2A—Sales Tax	8,10,000	...	8,10,000
3—Other Taxes and Duties	3,55,000	...	3,55,000
3—Revenue Account of Irrigation, Navigation, Embankment and Drainage Works.			
7—Interest on Irrigation Works (Com- mercial).	...	...	...
VII—Irrigation—Working expenses ...	8,30,000	...	8,30,000
8—Other Revenue expenditure financed from Ordinary Revenues.	36,03,000	...	36,03,000

1 of 1958.]

(Schedule.)

1	2		
Services and purposes.	Sums not exceeding		
	Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
	Rs.	Rs.	Rs.
H—Civil Works and Miscellaneous Public Improvements.			
51A—Interest on Capital Outlay on Multipurpose River Schemes.	...	...	...
51B—Other Revenue expenditure connected with Multipurpose River Schemes.	8,53,000	...	8,53,000
CC—Capital Account of Irrigation, Navigation, Embankment and Drainage Works outside the Revenue Account.			
68—Construction of Irrigation, Navigation, Embankment and Drainage Works (Commercial).	13,39,080	...	13,39,000
68A—Construction of Irrigation, Navigation, Embankment and Drainage Works (Non-commercial).	16,67,000	...	16,67,000
HH—Capital Account of Civil Works and Miscellaneous Public Improvements outside the Revenue Account.			
80A—Capital Outlay on Multipurpose River Schemes outside the Revenue Account.	17,29,000	...	17,29,000
E—Debt Services.			
22—Interest on Debt and other obligations	1,000	1,34,05,000	1,34,06,000
23—Appropriation for Reduction or Avoidance of Debt.	...	...	...
F—Civil Administration.			
25—General Administration	1,06,41,000	3,86,000	1,10,27,000
27—Administration of Justice	29,80,000	10,19,000	39,99,000
28—Jails and Convict Settlements	31,25,000	...	31,25,000
29—Police	2,60,94,000	...	2,60,94,000
30—Ports and Pilotage	4,04,000	...	4,04,000
36—Scientific Departments	24,000	...	24,000
37—Education	4,12,82,000	...	4,12,82,000
38—Medical	1,58,85,000	...	1,58,85,000

(Schedule.)

1	2		
Services and purposes.	Sums not exceeding		
	Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
	Rs.	Rs.	Rs.
89—Public Health	77,20,000	...	77,20,000
40—Agriculture—Agriculture	1,46,34,000	...	1,46,34,000
FF—Civil Administration—Capital Account outside the Revenue Account.			
71—Capital Outlay on schemes of Agricultural Improvement and Research outside the Revenue Account.	14,24,000	...	14,24,000
F—Civil Administration.			
40—Agriculture—Fisheries	6,86,000	...	6,86,000
41—Veterinary	12,81,000	...	12,81,000
42—Co-operation	11,90,000	...	11,90,000
43—Industries—Industries	24,76,000	...	24,76,000
H—Civil Works and Miscellaneous Public Improvements.			
52—Interest on Capital Outlay on Electricity Schemes.	...	...	...
52A—Other Revenue expenditure connected with Electricity Schemes.	...	...	...
XLI—Receipts from Electricity Schemes— Working expenses.	...	...	...
HH—Capital Account of Civil Works and Mis- cellaneous Public Improvements within the Revenue Account.			
53—Capital Outlay on Electricity Schemes met out of Revenue.	...	...	...
FF—Civil Administration—Capital Account outside the Revenue Account.			
72—Capital outlay on Industrial Development outside the Revenue Account.	37,19,000	...	37,19,000

[of 1958.]

(Schedule.)

1	2		
Services and purposes.	Sums not exceeding		
	Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
	Rs.	Rs.	Rs.
HH—Capital Account of Civil Works and Miscellaneous Public Improvements outside the Revenue Account.			
81A—Capital Outlay on Electricity Schemes outside the Revenue Account.	...	...	...
F—Civil Administration.			
43—Industries—Cottage Industries ...	35,79,000	...	35,79,000
FF—Civil Administration—Capital Account outside the Revenue Account.			
72—Capital outlay on Industrial Development outside the Revenue Account—Cottage Industries.	9,12,000	...	9,12,000
F—Civil Administration.			
43—Industries—Cinchona ...	10,67,000	...	10,67,000
47—Miscellaneous Departments—Fire Services.	11,66,000	...	11,66,000
47—Miscellaneous Departments—Excluding Fire Services.	36,88,000	...	36,88,000
H—Civil Works and Miscellaneous Public Improvements.			
50—Civil Works ...	1,22,52,000	4,14,000	1,26,66,000
J—Miscellaneous.			
54—Famine ...	71,48,000	...	71,48,000
54B—Privy purses and allowances of Indian Rulers.	57,000	...	57,000
55—Superannuation allowances and pensions	46,71,000	74,000	47,45,000
JJ—Miscellaneous Capital Account within the Revenue Account.			
55A—Commutation of pensions financed from Ordinary Revenues.	...	...	...

[West Ben. Act.]

(Schedule.)

1	2		
Services and purposes.	Sums not exceeding		
	Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
	Rs.	Rs.	Rs.
JJ—Miscellaneous Capital Account outside the Revenue Account.			
83—Payments of commuted value of pensions	2,00,000	2,000	2,02,000
J—Miscellaneous.			
56—Stationery and Printing	22,84,000	...	22,84,000
57—Miscellaneous—Contributions ...	47,61,000	6,09,000	53,70,000
57—Miscellaneous—Other Miscellaneous Ex- penditure.	50,92,000	1,000	50,93,000
JJ—Miscellaneous Capital Account outside the Revenue Account.			
82—Capital Account of other State works outside the Revenue Account.	1,85,38,000	...	1,85,38,000
E—Debt Services.			
22—Interest on Debt and other obligations— Expenditure on displaced persons.	...	33,000	33,000
J—Miscellaneous.			
57—Miscellaneous—Expenditure on displaced persons.	2,80,64,000	...	2,80,64,000
JJ—Miscellaneous Capital Account outside the Revenue Account.			
82—Capital Account of other State works outside the Revenue Account—Expen- diture on displaced persons.	61,81,000	1,000	61,82,000
Public Debt.			
Loans for displaced persons ... ..	...	...	...
Loans and Advances by State Government.			
Loans and Advances to displaced persons ...	1,08,94,000	...	1,08,94,000

[of 1958.]

(Schedule.)

1	2		
Services and purposes.	Sums not exceeding		
	Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
	Rs.	Rs.	Rs.
E—Debt Services.			
22—Interest on Debt and other obligations— Community Development Projects.	...	3,25,000	3,25,000
M—Extraordinary items.			
68B—Community Development Projects, National Extension Service and Local Development Works.	61,10,000	...	61,10,000
JJ—Miscellaneous Capital Account outside the Revenue Account.			
82—Capital Account of other State Works outside the Revenue Account— Community Development Projects.	4,76,000	...	4,76,000
Public Debt.			
Loans for Community Development Projects.	...	4,20,000	4,20,000
Loans and Advances by State Government.			
Loans and Advances under Community De velopment Projects.	9,95,000	...	9,95,000
M—Extraordinary Items.			
63—Extraordinary charges in India	61,81,000	...	61,81,000
64C—Pre-Partition Payments	6,54,000	...	6,54,000
HH—Capital Account of Civil Works and Miscellaneous Public Improvements outside the Revenue Account.			
80A—Capital Outlay on Multipurpose River Schemes outside the Revenue Account Damodar Valley Project.	2,85,43,000	...	2,85,43,000
81—Capital Account of Civil Works outside the Revenue Account.	2,02,45,000	...	2,02,45,000

The West Bengal Appropriation (Vote on Account) Act, 1958.

[West Ben. Act I of 1958]

(Schedule).

1	2		
	Sums not exceeding		
	Voted by the Legislative Assembly.	Charged on the Consolida- ted Fund.	Total.
Services and purposes.	Rs.	Rs.	Rs.
J—Miscellaneous.			
XLVIA—Receipts from Road and Water Transport Schemes—Working ex- penses.	96,50,000	...	96,50,000
JJ—Miscellaneous Capital Account outside the Revenue Account.			
82B—Capital Outlay on Road and Water Transport Schemes outside the Revenue Account.	16,19,000	...	16,19,000
85A—Capital Outlay on State Schemes of Government Trading.	10,00,00,000	...	10,00,00,000
Public Debt.			
Floating Debt ... ..	...	4,00,00,000	4,00,00,000
Loans from Reserve Bank of India ...	...	...	...
Loans from Union Government ... ..	...	1,17,81,000	1,17,81,000
Other Loans—Loans from the National Agri- cultural Credit (Long Term Operation) Fund of the Reserve Bank of India.	...	...	...
Loans and Advances by State Government.			
Loans and Advances by State Government ...	82,30,000	...	82,30,000
Total ...	46,32,32,000	6,86,96,000	53,09,28,000

West Bengal Act II of 1958¹

THE WEST BENGAL APPROPRIATION ACT, 1958.

[29th March, 1958.]

An Act to authorise payment and appropriation of certain further-sums from and out of the Consolidated Fund of West Bengal for the service of the year ending on the thirty-first day of March, 1958.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal for the service of the year ending on the thirty-first day of March, 1958 ;

It is hereby enacted in the Ninth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the West Bengal Appropriation Act, 1958. Short title.

2. From and out of the Consolidated Fund of West Bengal there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees fifteen crores, twenty-one lakhs, seventy-seven thousand and seven hundred and one towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1958, in respect of the services specified in column 2 of the Schedule. Issue of
Rs.
15,21,77,70
out of the
Consolida-
ted Fund
of West
Bengal for
the year
1957-58.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1958. Appropriation.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 17th March, 1958, Part IVA, page 1001 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 17th March, 1958 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 25th March, 1958.

(Schedule.)

SCHEDULE.

(See sections 2 and 3.)

Grant No.	Services and purposes.	3		
		Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Ra.	Ra.	Ra.
1	4—Taxes on Income other than Corporation Tax and Estate Duty.	3,600	2,400	6,000
2	7—Land Revenue ... ..	...	4,200	4,200
3	8—State Excise Duties	1,41,300	100	1,41,400
5	10—Forest	47,000	...	47,000
8	13—Other Taxes and Duties ...	2,10,000	2,400	2,12,400
10	XVII—Irrigation—Working expenses ...	34,000	...	34,000
	19—Other Revenue Expenditure financed from Ordinary Revenues	35,06,000	...	35,06,000
	51B—Other Revenue Expenditure connected with Multipurpose River Schemes.	7,72,000	...	7,72,000
	68A—Construction of Irrigation, Navigation, Embankment and Drainage Works (Non-Commercial).	1	...	1
	80A—Capital Outlay on Multipurpose River Schemes outside the Revenue Account.	41,00,000	...	41,00,000
	Total Grant No. 10 ...	84,12,001	...	84,12,001
13	25—General Administration ...	3,50,000	1,50,000	5,00,000
14	27—Administration of Justice ...	...	73,000	73,000
15	28—Jails and Convict Settlements ...	3,52,000	...	3,52,000
16	29—Police	44,04,000	100	44,04,100
17	30—Ports and Pilotage	3,70,000	...	3,70,000
18	36—Scientific Departments	2,000	...	2,000
19	37—Education	1,09,88,000	1,200	1,09,89,200

The West Bengal Appropriation Act, 1958.

1

[11 of 1958.]

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sume not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
22	40—Agriculture—Agriculture ...	...	200	200
26	43—Industries—Industries ...	...	9,300	9,300
30	47—Miscellaneous Departments—Fire Services.	8,11,000	...	8,11,000
31	47—Miscellaneous Departments—Excluding Fire Services.	11,69,000	...	11,69,000
32	50—Civil Works ...	...	2,21,000	2,21,000
33	54—Famine ...	86,96,000	...	86,96,000
35	55—Superannuation Allowances and Pensions.	7,58,000	...	7,58,000
38	57—Miscellaneous—Contributions ...	31,69,000	...	31,69,000
42	63—Extraordinary charges in India ...	27,80,400	16,500	27,96,900
44	80A—Capital Outlay on Multipurpose River Schemes outside the Revenue Account—Damodar Valley Project.	4,68,75,000	...	4,68,75,000
45	81—Capital Account of Civil Works outside the Revenue Account.	...	37,000	37,000
46	XLVIA—Receipts from Road and Water Transport Schemes—Working Expenses.	20,49,000	7,57,000	28,06,000
	82B—Capital Outlay on Road and Water Transport Schemes outside the Revenue Account	13,38,000	...	13,38,000
	Total Grant No. 46	33,87,000	7,87,000	41,74,000
47	85A—Capital outlay on State Schemes of Government Trading.	4,23,17,000	7,000	4,23,24,000
48	Public Debt ...	...	1,66,24,000	1,66,24,000
	Grand Total ...	13,42,42,301	1,79,35,400	15,21,77,701

West Bengal Act V of 1958¹

THE WEST BENGAL APPROPRIATION (No. 2) ACT, 1958.

[17th July, 1958.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal for the service of the year ending on the thirty-first day of March, 1959.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal for the service of the year ending on the thirty-first day of March, 1959 ;

It is hereby enacted in the Ninth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the West Bengal Appropriation (No. 2) Act, 1958. Short title.

2. In addition to the sum of fifty-three crores, nine lakhs and twenty-eight thousand rupees authorised to be withdrawn and appropriated under the West Bengal Appropriation (Vote on Account) Act, 1958, there may be paid and applied from and out of the Consolidated Fund of West Bengal, sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees seventy-three crores, ninety-seven lakhs, twenty-six thousand and one towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1959, in respect of the services specified in column 2 of the Schedule.

West Ben.
Act I of
1958.

Issue of
Rs. 73,97,
26,001 out
of the Con-
solidated
Fund of
West Ben-
gal for the
year 1958-
59, in addi-
tion to the
sum
already
authorised
to be with-
drawn for
that year.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1959. Appropriation.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, of the 24th June 1958, Part IVA, page 2889 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 26th June, 1958 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 3rd July, 1958.

(Schedule.)

SCHEDULE.

(See sections 2 and 3.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	A—Direct Demand on the Revenue.			
1	4—Taxes on Income other than Corporation Tax and Estate Duty.	3,85,000	...	3,85,000
	7—Land Revenue ...	2,86,97,000	...	2,86,97,000
2	AA—Principal Revenue Heads—Forest and other Capital Accounts outside the Revenue Account.			
	65—Payment of Compensation to landholders, etc., on the abolition of the Zemindary System.	1,00,00,000	...	1,00,00,000
	Total—Grant No. 2 ...	3,86,97,000	...	3,86,97,000
	A—Direct Demand on the Revenue.			
8	8—State Excise Duties ...	28,07,000	...	28,07,000
4	9—Stamps ...	5,80,000	...	5,80,000
5	10—Forest ...	60,21,000	...	60,21,000
6	11—Registration ...	14,69,000	...	14,69,000
7	12—Taxes on Vehicles ...	...	2,25,000	2,25,000
8	12A—Sales Tax ...	16,21,000	...	16,21,000
9	13—Other Taxes and Duties ...	7,10,000	...	7,10,000
	C—Revenue Account of Irrigation, Navigation, Embankment and Drainage Works.			
10	17—Interest on Irrigation Works (commercial).	...	21,97,000	21,97,000

V of 1958.]

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Ra.	Ra.	Ra.
11	XVII—Irrigation—Working Expenses ...	16,59,0 0	...	16,59,000
	19—Other Revenue expenditure financed from Ordinary Revenues.	72,07,000	...	72,07,000
	H—Civil Works and Miscellaneous Public Improvements.			
	51A—Interest on Capital Outlay on Multipurpose River Schemes.	...	65,79,000	65,79,000
	51B—Other Revenue expenditure connected with Multipurpose River Schemes.	17,07,000	...	17,07,000
	CC—Capital Account of Irrigation, Navigation, Embankment and Drainage Works outside the Revenue Account.			
	68—Construction of Irrigation, Navigation, Embankment and Drainage Works (commercial).	26,78,000	...	26,78,000
	68A—Construction of Irrigation, Navigation, Embankment and Drainage Works (non-commercial).	33,33,000	...	33,33,000
	HH—Capital Account of Civil Works and Miscellaneous Public Improvements outside the Revenue Account.			
	80A—Capital Outlay on Multipurpose River Schemes outside the Revenue Account.	34,58,000	...	34,58,000
	Total—Grant No. 11	2,00,42,000	65,79,000	2,66,21,000
	E—Debt Services.			
12	22—Interest on Debt and other obligations.	...	1,78,52,000	1,78,52,000
13	23—Appropriation for Reduction or Avoidance of Debt.	...	1,54,47,000	1,54,47,000
	F—Civil Administration.			
14	35—General Administration ...	2,12,81,000	7,72,000	2,20,53,000
15	37—Administration of Justice ...	58,61,000	20,28,000	78,89,000
16	38—Jails and Convict Settlements ...	62,50,000	...	62,50,000
17	39—Police ...	5,21,88,000	...	5,21,88,000

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
18	30—Ports and Pilotage ...	8,07,000	...	8,07,000
19	36—Scientific Departments ...	49,000	...	49,000
20	37—Education ...	8,35,66,000	...	8,35,66,000
21	38—Medical ...	3,17,71,000	...	3,17,71,000
22	39—Public Health ...	1,54,39,000	...	1,54,39,000
	40—Agriculture—Agriculture ...	2,29,68,000	...	2,29,68,000
23	FF—Civil Administration—Capital Account outside the Revenue Account.			
	71—Capital Outlay on Schemes of Agricultural Improvement and Research outside the Revenue Account.	28,48,000	...	28,48,000
	Total—Grant No. 23 ...	3,21,16,000	...	3,21,16,000
	F—Civil Administration.			
24	40—Agriculture—Fisheries ...	13,71,000	...	13,71,000
25	41—Veterinary ...	25,62,000	...	25,62,000
26	42—Co-operation ...	23,79,000	...	23,79,000
	43—Industries—Industries ...	49,52,000	...	49,52,000
	H—Civil Works and Miscellaneous Public Improvements.			
	52—Interest on Capital Outlay on Electricity Schemes.	...	...	...
27	52A—Other Revenue Expenditure connected with Electricity Schemes.	...	...	...
	XLI—Receipts from Electricity Schemes—Working expenses.	...	...	...
	HH—Capital Account of Civil Works and Miscellaneous Public Improvements within the Revenue Account.			
	53—Capital Outlay on Electricity Schemes met out of Revenue.	...	...	...

of 1958.]

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
27	FF—Civil Administration—Capital Account outside the Revenue Account.			
	72—Capital Outlay on Industrial Development outside the Revenue Account.	74,87,000	...	74,87,000
	HH—Capital Account of Civil Works and Miscellaneous Public Improvements outside the Revenue Account.			
	81A—Capital Outlay on Electricity Schemes outside the Revenue Account.	...	...	...
	Total—Grant No. 27	1,23,89,000	...	1,23,89,000
28	F—Civil Administration.			
	43—Industries—Cottage Industries	71,57,000	...	71,57,000
	FF—Civil Administration—Capital Account outside the Revenue Account.			
	72—Capital Outlay on Industrial Development outside the Revenue Account—Cottage Industries.	4,24,000	...	4,24,000
	Total—Grant No. 28	75,81,000	...	75,81,000
29	F—Civil Administration.			
	43—Industries—Cinchona	21,35,000	...	21,35,000
	47—Miscellaneous Departments—Fire Services.	23,82,000	...	23,82,000
	47—Miscellaneous Departments—Excluding Fire Services	73,65,000	...	73,65,000
	H—Civil Works and Miscellaneous Public Improvements.			
30	50—Civil Works	2,45,04,000	8,22,000	2,53,26,000

(Schedule.)

1 Grant No.	2 Services and purposes.	3 Sums not exceeding		
		Voted by the Legis- lative Assembly.	Charged on the Consoli- dated Fund.	Total.
		Rs.	Rs.	Rs.
	J—Miscellaneous.			
83	54—Famine	1,42,95,000	...	1,42,95,000
84	54B—Privy purses and allowances of Indian Rulers.	1,14,000	...	1,14,000
	55—Superannuation allowances and pensions.	98,48,000	1,49,000	99,97,000
	JJ—Miscellaneous Capital Account within the Revenue Account.			
85	55A—Commutation of pensions financed from Ordinary Revenues.	...	...	...
	JJ—Miscellaneous Capital Account outside the Revenue Account.			
	88—Payments of commuted value of pensions.	4,00,000	3,000	4,03,000
	Total—Grant No. 85 ...	97,48,000	1,52,000	98,95,000
	J—Miscellaneous.			
86	56—Stationery and Printing ...	45,69,000	...	45,69,000
87	57—Miscellaneous—Contributions ...	95,21,000	12,19,000	1,07,40,000
	57—Miscellaneous—Other Miscellaneous Expenditure.	1,01,84,000	...	1,01,84,000
88	JJ—Miscellaneous Capital Account outside the Revenue Account.			
	89—Capital Account of other State Works outside the Revenue Account.	3,70,76,000	...	3,70,76,000
	Total—Grant No. 88 ...	4,72,60,000	...	4,72,60,000

V of 1958.]

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
89	E—Debt Services.	Rs.	Rs.	Rs.
	22—Interest on Debt and other obligations—Expenditure on displaced persons.	...	67,000	67,000
	J—Miscellaneous.			
	57—Miscellaneous—Expenditure on displaced persons.	—2,05,82,000	...	—2,05,82,000
	JJ—Miscellaneous Capital Account outside the Revenue Account.			
	82—Capital Account of other State Works outside the Revenue Account—Expenditure on displaced persons.	1,33,63,000	...	1,33,63,000
	Public Debt.			
	Loans for displaced persons ...	...	10,35,000	10,05,000
	Loans and Advances by State Government,		.	
	Loans and Advances to displaced persons	2,17,89,000	...	2,17,89,000
	Total—Grant No. 89 ...	1,36,30,000	11,02,000	1,47,32,000
40	E—Debt Services.			
	22—Interest on Debt and other obligations—Community Development Projects.	...	6,50,000	6,50,000
	M—Extraordinary Items.			
	68B—Community Development Projects, National Extension Service and Local Development Works.	1,32,88,000	...	1,32,88,000
	JJ—Miscellaneous Capital Account outside the Revenue Account.			
	82—Capital Account of other State Works outside the Revenue Account—Community Development Projects.	9,54,000	...	9,54,000

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	Public Debt.			
	Loans for Community Development Projects.	...	8,40,000	8,40,000
40	Loans and Advances by State Government.			
	Loans and Advances under Community Development Projects.	19,91,000	...	19,91,000
	Total—Grant No. 40	1,51,83,000	14,90,000	1,66,73,000
	M—Extraordinary Items.			
41	63—Extraordinary charges in India	2,91,68,000	...	2,91,68,000
42	64C—Pre-Partition Payments	13,08,000	...	13,08,000
	HH—Capital Account of Civil Works and Miscellaneous Public Improvements outside the Revenue Account.			
43	80A—Capital Outlay on Multipurpose River Schemes outside the Revenue Account—Damodar Valley Project.	5,70,86,000	...	5,70,86,000
44	81—Capital Account of Civil Works outside the Revenue Account.	4,04,89,000	...	4,04,89,000
	J—Miscellaneous.			
	XLVIA—Receipts from Road and Water Transport Schemes—Working Expenses.	1,93,00,000	16,52,000	2,09,52,000
45	JJ—Miscellaneous Capital Account outside the Revenue Account.			
	82B—Capital Outlay on Road and Water Transport Schemes outside the Revenue Account.	32,87,000	...	32,87,000
	Total—Grant No. 45	2,25,87,000	16,52,000	2,41,89,000
46	85A—Capital Outlay on State Schemes of Government Trading.	1	...	1

V of 1958.]

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	Public Debt.			
	Floating Debt ...	...	...	...
	Loans from Reserve Bank of India ...	...	...	...
47	Loans from Union Government ...	...	2,35,62,000	2,35,62,000
	Other loans—Loans from the National Agricultural Credit (Long Term Operation) Fund of the Reserve Bank of India.	...	...	...
	Total—Grant No. 47 ...	...	2,35,62,000	2,35,62,000
	Loans and Advances by State Government.			
48	Loans and Advances by State Government	1,64,39,000	...	1,64,39,000
	Grand Total ...	66,46,10,001	7,51,16,000	73,97,26,001

West Bengal Act VIII of 1958¹

THE R. G. KAR MEDICAL COLLEGE AND HOSPITAL ACT, 1958.

[19th July, 1958.]

An Act to make better provision for the control, management and maintenance of the institution, commonly known as the R. G. Kar Medical College, Calcutta, together with the hospitals and dispensaries attached thereto and used in connection therewith with a view to the promotion of public health and to take over for that purpose for a limited period the management of all the property belonging to the said institution or held for the benefit thereof.

WHEREAS it is expedient in the public interest to make better provision for the control, management and maintenance of the institution commonly known as the R. G. Kar Medical College Calcutta, together with the hospitals and dispensaries attached thereto and used in connection therewith with a view to the promotion of public health and to take over for that purpose for a limited period the management of all the property belonging to the said institution or held for the benefit thereof ;

It is hereby enacted in the Ninth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the R. G. Kar Medical College and Hospital Act, 1958. Short title.

2. In this Act, unless the context otherwise requires,— Definitions.

- (1) "appointed day" means the 12th day of May, 1958 ;
- (2) "the Committee" means the R. G. Kar Medical College and Hospital Committee appointed under section 5 ;
- (3) "the institution" means the R. G. Kar Medical College, Calcutta, together with the hospitals and dispensaries attached thereto and used in connection therewith and includes all lecture rooms museums, laboratories, libraries, hostels and boarding houses used in connection with or as accessories to or adjuncts of the said college, hospitals or dispensaries.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, of the 12th June, 1958, Part IVA, page 2159 : for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly, held on the 25th June, 1958, and the 2nd and 9th July, 1958 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meetings of that Council held on the 8th, 9th and 10th July, 1958.

[West Ben. Act

(Sections 3—5.)

3. With effect from the appointed day and for a period of ten years thereafter—

(1) the institution together with—

- (a) all lands thereof and appurtenant thereto and all buildings, erections and fixtures on such lands,
- (b) all furniture, equipments, stores, drugs, monies and other assets of the institution, and
- (c) all other properties and assets of the institution, which immediately before the appointed day vested in the Board of Trustees of the Medical Education Society of West Bengal, a Society registered under the Societies Registration Act, 1860,

XXI of
1860.

shall stand transferred to the State Government and shall remain under the control and management of the State Government ;

(2) all deeds of gift, endowment, bequest, trust or otherwise covering all properties and assets referred to in sub-clause (c) of clause (1) shall be construed as if they were executed in favour of the State Government ;

(3) all contracts, debts and liabilities of the institution shall be deemed to be contracts, debts and liabilities of the State Government ;

(4) the institution shall be run by the State Government as a State institution :

(5) persons employed in the institution and continuing in office immediately before the appointed day, shall, subject to such terms and conditions, not being less advantageous than what they were entitled to immediately before the appointed day, as may be determined by the State Government in consultation with the Committee, be deemed to be employees of the State Government.

4. All properties transferred to the State Government under this Act shall be utilised for the purposes for which they were being used immediately before the appointed day.

See of pro-
erties
transferred
to the
State
Govern-
ment.

the
Committee.

5. (1) The State Government shall, by notification in the *Official Gazette*, appoint a Committee to be called the R. G. Kar Medical College and Hospital Committee for the management of the institution in accordance with the provisions of this Act and the rules made thereunder :

¹ For appointment of a Committee called "The R. G. Kar Medical College and Hospital Committee", see notification No. Medl./13494/14—171/58, dated the 8th December, 1958, published in the *Calcutta Gazette, Extraordinary*, of 1958, Part I, pages 5677—5678.

The R. G. Kar Medical College and Hospital Act, 1958. 25

VIII of 1958.]

(Sections 6—8.)

Provided that until a Committee is so appointed, the Director of Health Services, West Bengal, shall be in charge of the management of the institution.

(2) The Committee shall consist of the following members, namely :—

- (a) the Director of the institute of Post-Graduate Medical Education and Research, *ex-officio*, who shall be the Chairman of the Committee ;
- (b) the Director of the School of Tropical Medicine, *ex-officio* ;
- (c) two persons appointed by the State Government from amongst the senior members of the staff of the institution ;
- (d) one person to be nominated by the Corporation of Calcutta ;
- (e) one member of the Faculty in Medicine of the University of Calcutta nominated by the Vice-Chancellor of the said University ;
- (f) four persons interested in medical education and public health nominated by the State Government ;
- (g) the Principal, R. G. Kar Medical College, Calcutta, *ex-officio*, who shall be the Secretary to the Committee.

6. The members of the Committee, other than *ex-officio* members, shall hold office during the pleasure of the Governor :

Term of office of the members of the Committee.

Provided that any such member may resign his seat by giving notice in writing to the Chairman.

7. When the seat of a member of the Committee, other than an *ex-officio* member, becomes vacant by reason of removal, death or resignation, the vacancy shall be filled in the manner in which the seat was originally filled.

Casual vacancy.

8. The business of the Committee shall be conducted in accordance with such rules as may be made by the State Government under this Act and, subject to such rules, the Chairman shall authenticate all decisions of the Committee and take all executive actions on behalf of the Committee :

Conduct of business and voting.

¹For the R. G. Kar Medical College and Hospital Rules, 1959, made under sec. 10 read with sec. 8 of this Act, see notification No. Medl./1525/1H—171/59, dated 19th February, 1959, published in the *Calcutta Gazette* of 1959, Part I, pages 885—886.

For the R. G. Kar Medical College (Admission of Students) Rules, 1960, made under sec. 10 of the Act, see notification No. Medl./8349/1H—125/59 Pt. II, dated the 6th July, 1960, published in the *Calcutta Gazette* of 1960, Part I, page 2479.

26 *The R. G. Kar Medical College and Hospital Act, 1958.*

[West Ben. Act VIII of 1958.]

(Sections 9—11.)

Provided that no expenditure not provided for in the budget sanctioned by the State Government shall be incurred without the previous sanction of the State Government.

Removal
of difficul-
ties.

9. If any difficulty arises in giving effect to the provisions of this Act or the rules made thereunder, the State Government may take such steps or issue such orders not inconsistent with this Act as may be necessary for the removal of the difficulty.

Power to
make
rules.

10. The State Government may make ¹rules for carrying out the purposes of this Act.

Repeal of
West
Bengal
Ordinance
III of 1958
and
savings.

11. (1) The R. G. Kar Medical College and Hospital Ordinance, 1958, is hereby repealed.

(2) Any rule made, any notification issued, any action taken or anything whatsoever done under any provisions of the said Ordinance shall be deemed to have been made, issued, taken or done under the corresponding provision of this Act, as if this Act were in force on the day on which such rule, notification, action or thing was made, issued, taken or done.

¹See foot-note 1 on page 25, *ante*

West Bengal Act XIV of 1958¹

THE SAGORE DUTT HOSPITAL ACT, 1958.

[29th August, 1958.]

An Act to provide for the taking over of Sagore Dutt Hospital at Kamarhatty in the district of 24-Parganas, together with the charitable dispensary attached thereto, by the State Government with a view to the promotion of public health.

It is hereby enacted in the Ninth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the Sagore Dutt Hospital Act, 1958. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) “appointed day” means the date appointed under subsection (2) of section 1 ;

(b) “the hospital” means the Sagore Dutt Hospital at Kamarhatty in the district of 24-Parganas, together with the charitable dispensary attached thereto.

3. As from the appointed day,— Transfer.

(1) (a) possession of the hospital including all lands, buildings, erections and fixtures appertaining thereto and all furniture, equipments, stores and drugs belonging to it shall stand transferred to the State Government ;

(b) the hospital shall be under the control and management of the State Government and shall be run as a State hospital ;

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, of the 18th June, 1958, Part IVA, page 2159 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 15th July, 1958 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 7th August, 1958.

²The Act was enforced with effect from the 1st March, 1959. *Vide* notification No Medl./852/14—84/58, dated the 30th January, 1959, published in the *Calcutta Gazette* of 1959, Part I, page 662.

[West Ben. Act

(Sections 4, 5.)

- (c) all contracts, debts and liabilities of, or in respect of, the hospital shall stand transferred to the State Government ;
 - (d) the cost of management of the hospital together with all costs of improvement, expansion, extension, repairs, additions and alterations shall be borne by the State Government ;
 - (e) persons in the employment of the hospital immediately before the appointed day shall as from that day be deemed to be employees of the State Government and the terms and conditions of their service shall be such as may be determined by the State Government having regard to the terms and conditions of their service as in force before that day ;
- (2) the securities, debentures, funds and properties described in the Schedule which were held and administered immediately before the appointed day by the Administrator-General, West Bengal, shall, after that day, continue, subject to the provisions of subsection (1), to be held and administered by the said Administrator-General :

Provided that such portion of the income from the said securities, debentures, funds and properties as is normally spent for the hospital or as may be fixed by the said Administrator-General in consultation with the State Government shall be credited to the State Government to be applied by the State Government for the maintenance and improvement of the hospital.

Removal of
difficulties.

4. If any difficulty arises in giving effect to the provisions of this Act or the rules made thereunder, the State Government may take such steps or issue such orders not inconsistent with this Act as it deems necessary for the removal of the difficulty :

Provided that no order shall be passed for the transfer of any land to the State Government for purposes of the hospital in addition to the land which appertains to the buildings, erections and fixtures included in the hospital on the appointed day without the concurrence of the Administrator-General, West Bengal.

Power to
make rules.

5. The State Government may make rules for carrying out the purposes of this Act.

XIV of 1958.]

(The Schedule.)

The Schedule.

PART I.

(Description of hospital premises.)

Lands comprised in the Sagore Dutt Hospital and Dispensary and buildings situated thereon at Kamarhatty, 24-Parganas, excluding the land and building of the Sagore Dutt Free High School (including a playground) described in Part III of the Schedule.

Total area—82'05 bighas approximately including two plots leased out to the ex-Medical Officers of the hospital, bounded as follows :—

North—By Graham Road.

South—By a drain running beyond the boundary wall and land belonging to Ezra Arkie Park Trust (Beni Engineering Works) and the Sagore Dutt High School premises.

East—By Barrackpore Trunk Road and the Sagore Dutt High School premises.

West—By a drain.

PART II.

Estate : Sagore Dutt.

A.—Statement of securities and debentures held in the estate on account of funds of the hospital.

						Rs.
1.	3 per cent. Conversion Loan of 1946-86	...	...	...	...	7,09,200
2.	3 per cent. Loan of 1966-68	...	...	...	...	20,000
3.	3½ per cent. Loan of 1974	...	...	...	...	2,68,600
4.	3½ per cent. Waverly Jute Mills Debentures	...	...	...	...	80,000
5.	3½ per cent. New Howrah Bridge Loan, 1936/66	...	...	...	...	5,000
6.	3 per cent. Loan of 1963-65	...	...	...	...	10,400
7.	3 per cent. Loan of 1970-75	...	...	...	...	1,000
8.	3½ per cent. Ten Years' Treasury Savings Deposit Certificate	...	...	...	...	7,000
9.	4 per cent. C. P. T. Debentures of 1956	...	...	...	...	89,800
10.	4 per cent. W. B. Loan of 1967	...	...	...	...	2,78,100
11.	4 per cent. U. P. Loan of 1963	...	...	...	...	82,000
12.	4 per cent. U. P. Loan of 1964	...	...	...	...	80,000
13.	4 per cent. Loan of 1960-70	...	...	...	...	47,800
14.	4 per cent. W. B. Loan of 1968	...	...	...	...	1,000
15.	4 per cent. W. B. Loan of 1963	...	...	...	...	21,000
16.	6 per cent. Karachi Port Trust Debentures, 1925	...	...	...	...	50,000
17.	12 Years' P. O. National Savings Certificate	...	...	...	...	1,000
Total						15,85,900

(The Schedule.)

B.—Funds invested in first mortgage on house properties.

Amount advanced.	Particulars of mortgaged properties.	Name of mortgagor.
Rs.		
1. 30,000	22, Park Lane, Calcutta ...	Sm. Nagendra Bala Debi since deceased now represented by Sri Basudev Mukherjee.
2. 20,000	57E, Garchoa Road, Calcutta, and a garden land at Valinda, P. S. Bajarhat.	Sm. Labanya Prova Debi.
3. 8,800	20/2, Mahesh Dutt Lane, Chetla, Calcutta.	Sri Suresh Chandra Ray Chowdhury.
4. 4,700	4 and 6, Elliot Road, Calcutta ...	Administrator-General of West Bengal, Executor to the Estate of Mrs. E. B. T. Walker deceased.
5. 40,000	46/7B, Ballygunge Place, Calcutta	Sri Tripura Prasanna Basu.
6. 2,300	18/8, Dover Lane, Calcutta ...	Administrator-General of West Bengal, Executor to the Estate of Niranjan Coommar Seal deceased.
7. 4,000	112/1, Harrison Road, Calcutta ...	Administrator-General of West Bengal, Administrator to the Estate of Balaram Dutt deceased.
8. 7,500	189, Maharshi Debendra Road, Calcutta.	Sri Kshitish Chandra Chowdhury and Sri Naresh Chandra Chowdhury.
9. 15,000	1B, Sashi Bhushan De Street, Calcutta.	Sarbaari Hirendra Nath, Surendra Nath and Provat Kumar Das.
Total	1,32,800	

C.—Landed properties.

Value.	Details of property.
Rs.	
(i) 1,74,000	Premises No. 1, Rowdon Street, Calcutta, with two-storied buildings and outhouses measuring about 2 bighas.
(ii) 1,60,100	Premises No. 2, Rowdon Street, Calcutta, with two-storied buildings and outhouses measuring about 2 bighas.
(iii) 52,920	Premises No. 45, Royd Street, Calcutta, with one-storied house with outhouses and shop rooms.
(iv) 5,160	Premises No. 18, Elliot Road, Calcutta, with one-storied house with outhouses and shop rooms.

D.—Cash.

(i) Rs. 1,15,000.00.

(ii) Amount in the General Account of the Trust as on 26th March, 1958—Rs. 81,905.11.

XIV of 1958.]

(The Schedule.)

PART III.

(Description of properties and funds of the Sagore Dutt Free High School.)

A.—School premises.

Land and buildings of the Sagore Dutt Free High School at Kamarhatti (including a play-ground of the school).

Total area measuring—17.2 bighas, bounded as follows :—

North—By Premises of the Sagore Dutt Hospital.

South—By a private drain belonging to the Ezra Arkie Park Trust, running beyond the boundary wall.

East—By Barrackpore Trunk Road.

West—By premises of the Sagore Dutt Hospital.

B—Government securities.

				Rs.
(a)	4 per cent. Calcutta Port Trust Debenture of 1956/86	...	...	1,96,000
(b)	4 per cent. U. P. Loan of 1963 of face value of	...	...	13,000
(c)	8 per cent. Conversion Loan of 1946/86 of the face value of	...	...	7,800
(d)	3 per cent. Loan of 1963/65 of the face value of	...	...	1,500
	Total	...	...	2,18,800

C.—House property.

Premises No 86, Premchand Boral Street, Calcutta.

West Bengal Act XVII of 1958¹

THE INDUSTRIAL DISPUTES (WEST BENGAL AMENDMENT) ACT, 1958.

[22nd September, 1958.]

An Act to amend the Industrial Disputes Act, 1947, in its application to West Bengal.

XIV of
1947.

WHEREAS it is expedient to amend the Industrial Disputes Act, 1947, in its application to West Bengal, for the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Ninth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the Industrial Disputes (West Bengal Amendment) Act, 1958. Short title.

2. The Industrial Disputes Act, 1947 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be amended as stated below. Amendment of Act XIV of 1947 in its application to West Bengal.

3. In clause (a) of sub-section (3) of section 7A of the said Act, after the words "High Court" the words "or a District Judge or an Additional District Judge" shall be inserted. Amendment of section 7A.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, of the 27th November, 1957, Part IVA, page 5066 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 7th July, 1958 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 29th July, 1958.

West Bengal Act XVIII of 1958¹

THE WEST BENGAL AGRICULTURAL LANDS AND FISHERIES (ACQUISITION AND RESETTLEMENT) ACT, 1958.

[23rd September, 1958.]

An Act to provide for the acquisition of agricultural lands and fisheries and resettlement of agricultural lands for certain purposes.

WHEREAS it is expedient in the public interest to provide for the protection of agricultural lands, the cultivation or production whereof is injuriously affected by fisheries and for that purpose to provide for the acquisition of such lands and fisheries and for the resettlement of such lands for agricultural purposes ;

It is hereby enacted in the Ninth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the West Bengal Agricultural Lands and Fisheries (Acquisition and Resettlement) Act, 1958. Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

(3) It shall come into force at once.

2. In this Act unless there is anything repugnant in the subject or context,— Definitions.

(1) "Collector" includes any officer not below the rank of a Subdivisional Magistrate appointed by the State Government to carry out all or any of the functions of a Collector under this Act ;

(2) "fishery" means any land whereon water is confined naturally or artificially whether periodically or throughout the year for pisciculture or for fishing ;

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, of the 26th June, 1958 Part IVA, page 2356 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 15th, 16th and 17th July, 1958 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of the Council held on the 8th August, 1958.

36 *The West Bengal Agricultural Lands and Fisheries
(Acquisition and Resettlement) Act, 1958.*

[West Ben. Act

(Sections 3—6.)

- (3) “agricultural land”^s means land ordinarily used for purposes of agriculture or horticulture, and includes such land notwithstanding that it may be lying fallow for the time being ;
- (4) “notified area” means any area in respect of which a notification has been issued under section 4 ;
- (5) “prescribed” means prescribed by rules made under this Act.

Act to
override
other
laws, etc.

3. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law or in any contract express or implied or in any instrument and notwithstanding any usage or custom to the contrary.

Publication
of preliminary
notification.

4. Whenever it appears to the State Government that the cultivation or production of agricultural lands in any area is affected or is likely to be affected injuriously by the establishment or existence of any fishery in such area or by extension of such fishery by the inclusion of adjoining lands therein or in any other manner, the State Government may, by notification in the *Official Gazette*, declare its intention to acquire such fishery and all lands within the area and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the notified area in such manner as may be prescribed.

Hearing of
objections.

5. (1) Any person interested in any fishery or land within the notified area may, within thirty days from the date of issue of the notification under section 4, file an application before the Collector objecting to the acquisition of such fishery or land.

(2) The Collector shall, after giving all objectors opportunity of being heard and making such inquiry, if any, as he thinks necessary, submit to the State Government a report containing his recommendations together with the record of the proceedings held by him.

Acquisition
and
delivery
of possession.

6. (1) If, on a consideration of the report of the Collector and of the record of proceedings held by him, the State Government is satisfied that the cultivation or production of agricultural lands in the notified area is affected or is likely to be affected injuriously by the establishment or existence of any fishery in such area or by extension of such fishery by the inclusion of adjoining lands therein or in any other manner and that it is necessary so to do for the purpose of protecting the lands, the State Government may, by order published in the *Official Gazette*, acquire the fishery and the lands in the notified area or such part thereof as it thinks fit.

XVIII of 1958.]

(Section 7.)

(2) On and from the beginning of the day on which the order is so published, the fishery and the lands mentioned therein shall vest absolutely in the State free from all incumbrances and the Collector shall take possession of such fishery and lands and shall, for that purpose, cause an order to be served on the persons in possession of such fishery and lands requiring them to deliver possession thereof to him by such date as may be specified in the order.

(3) If any person fails or refuses to comply with the order under sub-section (2), the Collector may take or cause to be taken such steps and use or cause to be used such force as he thinks necessary to enforce the delivery of possession to him of the fishery and lands in respect of which the order was made.

(4) If any person contravenes any order made under this Act he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

(5) On taking delivery of possession of the fishery and the lands acquired, the Collector shall, in such manner as may be prescribed, cause public notice to be given at convenient places on or near the fishery and the lands acquired stating that the State Government has acquired the fishery and the lands and inviting claims to compensation from persons interested.

7. (1) Whenever any fishery and lands are acquired under section 6 there shall be paid in the manner prescribed to every person interested, compensation, the amount of which shall be determined by the Collector in the manner and in accordance with the principles hereinafter set out :

Compensation.

Provided that where any such fishery or land is resettled under section 11 with any person, the compensation, if any, payable for it to such person shall be set off against the consideration which may be otherwise payable by such person for such resettlement.

(2) Compensation payable under sub-section (1) shall be determined by the Collector according to the following principles :—

(a) for agricultural or other lands—

- (i) for the first five hundred rupees of ... ten times such income ;
the net average annual income
- (ii) for the next five hundred rupees of ... eight times such income ;
the net average annual income
- (iii) for the next five hundred rupees of ... four times such income ;
the net average annual income
- (iv) for the balance of the net average ... two times such income ;
annual income

[West Ben. Act

(Sections 8—11.)

(b) for a fishery—

- (i) for the first five thousand rupees of ... three times such income ;
the net average annual income
- (ii) for the balance of the net average ... two times such income.
annual income

Explanation.—Net average annual income shall mean—

- (a) in the case of agricultural land, one-third of the average value of the produce derived or derivable from such land during a period of five years immediately preceding the date of vesting ;
- (b) in the case of other land, the average income, less two per cent. of such income, derived or derivable therefrom during a period of five years immediately preceding the date of vesting ; and
- (c) in the case of a fishery, one-third of the average income from the fishery during a period of five years immediately preceding the date of vesting.

Apportion-
ment of
compen-
sation.

8. Where there are several persons interested in any fishery or land, the Collector shall apportion the compensation determined under section 7 among such persons in accordance with the nature and extent of interest held by each such person.

Award.

9. After determination and apportionment of compensation for any fishery or land acquired under this Act, the Collector shall make an award and notify the award in such manner as may be prescribed.

Appeal.

10. (1) Any person aggrieved by an award of the Collector under section 9 may, within thirty days from the date of receipt of notice of the award, appeal—

- (a) if the award is made by any officer other than the Collector of the district, to the Collector of the district, and
- (b) if the award is made by the Collector of the district, to the Commissioner of the Division.

(2) No appeal shall lie against an appellate order passed by the Collector of the district or the Commissioner of the Division.

Disposal
of fishery
and lands
after
acquisition.

11. On acquisition of the fishery and lands under this Act the State Government may take such action as it may think fit for the reclamation or protection of lands affected or likely to be affected by the fishery and may thereafter resettle the lands for cultivation on payment of such consideration as may be determined by the State Government

The West Bengal Agricultural Lands and Fisheries 39
(*Acquisition and Resettlement*) Act, 1958.

XVIII of 1958.]

(Sections 12—16.)

so, however, that such consideration shall not exceed the compensation payable for such land under section 7 :

Provided that any such land as was previously cultivated and is fit for cultivation shall be resettled with the person who last cultivated it, or, if such person is not agreeable to take resettlement of the land or cannot be traced, with any other person, on the terms and conditions on which the same was previously held by the person who last cultivated it.

12. The State Government may deal with the fishery and any land remaining after resettlement referred to in section 11 in such manner as may be prescribed. Disposal of surplus lands.

13. The Collector or the Commissioner may, for the purpose of carrying out any of his functions under this Act, exercise such powers as are vested in a Civil Court in respect of— Powers of Court.

- (a) the summoning and enforcing the attendance of any person and examining him on oath ;
- (b) compelling the production of documents ;
- (c) issuing commissions for the examination of witnesses ; and
- (d) inspecting any property or thing concerning which any question may arise.

14. The State Government may, by notification in the *Official Gazette*, delegate¹ any of its powers under this Act, except the power to make rules under section 16, to the Board of Revenue, subject to such reservations, if any, as may be specified in the notification. Delegation of powers of the State Government.

15. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder. Indemnity.

16. (1) The State Government may make ^arules for carrying out the purposes of this Act. Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for—

- (a) the fees, if any, payable for petitions of appeal under section 10 and the procedure to be followed in such appeal,
- (b) all or any of the matters which, under any provision of this Act, may be or are required to be prescribed or provided for by rules.

¹For notification delegating to the Board of Revenue, West Bengal, the powers conferred on the State Government by secs. 11 and 12 of the Act, see notification No. 1914—L. Ref., dated the 27th January, 1959, published in the *Calcutta Gazette* of 1959, Part I, page 618.

^aFor the West Bengal Agricultural Lands and Fisheries (Acquisition and Settlement) Rules, 1953, see notification No 19742—L. Ref., dated 29th September, 1958, published in the *Calcutta Gazette, Extraordinary*, of 1958, Part I, pages 6109-6114.

West Bengal Act XIX of 1958¹

THE WEST BENGAL TRANSFERRED TERRITORIES (ASSIMILATION OF LAWS) ACT, 1958.

AMENDED West Ben. Act X of 1959.

[24th September, 1958.]

An Act to provide for the assimilation of certain laws in force in the territories transferred from the State of Bihar to the State of West Bengal by section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956, to the laws in force in the State of West Bengal.

WHEREAS it is expedient to provide for the assimilation of certain laws in force in the territories transferred from the State of Bihar to the State of West Bengal by section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956, to the laws in force in the rest of West Bengal ;

It is hereby enacted in the Ninth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the West Bengal Transferred Territories (Assimilation of Laws) Act, 1958.

Short title
and com-
mence-
ment.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless there is anything repugnant in the subject or context,—

Defini-
tions.

(a) "appointed day" means the date appointed under sub-section (2) of section 1 ;

(b) "State law" means so much of any enactment, ordinance or regulation as relates to any of the matters enumerated in Lists II and III in the Seventh Schedule to the Constitution and includes any order, by-law, rule, scheme, notification or other instrument having the force of law ;

(c) "transferred territories" means the territories transferred from the State of Bihar to the State of West Bengal by section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, of the 4th July, 1958, Part IVA, page 2484 ; for proceedings of the West Bengal Legislative Assembly, see the proceeding of the meeting of that Assembly held on the 17th July, 1958 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 7th August, 1958.

²The Act came into force on the 1st July, 1959. Vide notification No. 5407-J., dated the 24th June, 1959, published in the *Calcutta Gazette, Extraordinary*, of 1959, Part I, page 1865.

42 *The West Bengal Transferred Territories (Assimilation of Laws) Act, 1958.*

[West Ben. Act

(Section 3.)

Assimila-
tion of
State laws.

3. (1) All State laws which, immediately before the appointed day, extend to, or are in force in, the State of West Bengal, but do not extend to, or are not in force in, the transferred territories shall as from that day, extend to or, as the case may be, come into force in, the transferred territories :

Provided that the State law specified in Schedule I shall extend to the transferred territories subject to the amendment specified in that Schedule.

(2) All State laws which, immediately before the appointed day, are in force in the whole or any part of the transferred territories but not in the rest of West Bengal shall, on that day, stand repealed in the transferred territories :

Provided that such repeal shall not affect—

- (a) the previous operation of any State law so repealed or anything duly done or suffered thereunder ; or
- (b) any right, privilege, obligation, or liability acquired, accrued or incurred under any State law so repealed ; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any State law so repealed ; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the State laws specified in Schedule II as in force in the whole or any part of the transferred territories immediately before the appointed day shall continue in force therein after that day, ¹[subject to such adaptations and modifications, whether by way of repeal or amendment, as the State Government may, from time to time but before the expiration of one year from that day, by notification in the *Official Gazette*, make in any such law for the purpose of facilitating the application thereof in relation to West Bengal,] and the State laws specified in Schedule III shall not extend to, or come into force in, the whole or such part of the transferred territories, as the case may be :

Provided that the State law specified in item (16) of Schedule II as in force in the transferred territories immediately before the appointed day shall continue in force, after that day, only in the territory referred to in clause (b)

¹These words were inserted by s.e. 2 of the West Bengal Transferred Territories (Assimilation of Laws) Amendment Act, 1959 (West Ben. Act X of 1959).

**The West Bengal Transferred Territories (Assimilation
of Laws) Act, 1958.**

XIX of 1958.]

(Section 4 and Schedule I.)

40 of 1956. of sub-section (1) of section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956, and the State laws specified in items (9) and (10) of Schedule III shall not extend to, or come into force in, such territory :

Provided further that, subject to the provisions of the proviso to sub-section (2) and of section 4, the State laws specified in Schedule II shall stand repealed or the State laws specified in Schedule III shall extend to, or come into force in, the transferred territories or any part thereof, with effect from such date or dates as the State Government may, by notification issued in the *Official Gazette*, from time to time, appoint in this behalf.

4. If any difficulty arises in giving effect to the provisions of this Act, more particularly to the proviso to sub-section (2) of section 3, the State Government may, by notification in the *Official Gazette* issued in this behalf,—

Provision
for
removal
of diffi-
culty.

(i) specify the authority, officer or person who shall be competent to exercise such powers or functions in any part of the transferred territories as may be mentioned in the notification under any State law referred to in sub-section (2) of section 3 or in Schedule II, or

(ii) pass any other orders not inconsistent with the purposes of this Act as may appear to it to be necessary or expedient

for the purpose of removing such difficulty.

Schedule I.

[See section 3(1), proviso.]

**The West Bengal Cinemas (Regulation) Act, 1954
(West Bengal Act XXXIX of 1954).**

After section 14, the following section shall be added, namely :—

"Trans-
sitional
provisions
for
licensees
under
Bihar Act.

15. Notwithstanding anything contained in any other law or in this Act or in the rules made under this Act or in the license, a license granted or renewed under the Bihar Cinemas (Regulation) Act, 1954 shall be deemed for all purposes to have been granted or renewed under this Act and the conditions and restrictions prescribed by the rules under this Act shall, until a new license is granted under this Act, be deemed to have been incorporated in such license :

Provided that the licensing authority may grant time, or extend the time so granted, for compliance with any such condition or restriction".

44 The West Bengal Transferred Territories (Assimilation of Laws) Act, 1958.

[West Ben. Act

(Schedule II.)

Schedule II.

[See section 3(3).]

(1) The Bihar Panchayat Raj Act, 1947 (Bihar Act 7 of 1948.)

(2) The Bihar Tenancy Act, 1885 (Act 8 of 1885).

(3) The Chota Nagpur Tenancy Act, 1908 (Bengal Act 6 of 1908).

(4) The Bihar Land Reforms Act, 1950 (Bihar Act 30 of 1950).

(5) The Bihar Recovery of Arrears of Rents of Outgoing Proprietors and Tenure-holders (Vested Estates and Tenures) Act, 1953 (Bihar Act 3 of 1953).

(6) The Bihar Disqualified Owners' (Management of Property) Act, 1952 (Bihar Act 2 of 1955).

(7) The Chota Nagpur Encumbered Estates Act, 1876 (Act 6 of 1876).

(8) The Chota Nagpur Tenure-holders' Rent Account Act, 1929 (Bihar and Orissa Act 1 of 1929).

(9) The Chota Nagpur Tenures Act, 1869 (Bengal Act 2 of 1869.)

(10) The Land Registration Act, 1876 (Bengal Act 7 of 1876).

(11) The Bihar Evacuee Interest (Separation) Supplementary Act, 1953 (Bihar Act 23 of 1953).

(12) The Bihar Hindu Religious Trusts Act, 1950 (Bihar Act 1 of 1951).

(13) The Bihar Private Forests Act, 1947 (Bihar Act 9 of 1948).

(14) The Bihar and Orissa Municipal Act, 1922 (Bihar and Orissa Act 7 of 1922).

(15) The Bihar and Orissa Village Administration Act, 1922 (Bihar and Orissa Act 3 of 1922).

(16) The Bihar and Orissa Local Self-Government Act of 1885 (Bengal Act 3 of 1885).

¹(17) The Bihar *Bhoodan Yagna* Act, 1954 (Bihar Act 22 of 1954).

¹(18) The Chota Nagpur Rural Police Act, 1914 (Bihar and Orissa Act I of 1914.).

¹Items (17) and (18) were added by sec. 8 of the West Bengal Transferred Territories (Assimilation of Laws) Amendment Act, 1959 (West Ben. Act X of 1959).

The West Bengal Transferred Territories (Assimilation of Laws) Act, 1958. 45

XIX of 1958.]

(Schedule III.)

Schedule III.

[See section 3(3).]

(1) The West Bengal Panchayat Act, 1956 (West Bengal Act I of 1957).

(2) The Bengal Tenancy Act, 1885 (Act VIII of 1885).

(3) The West Bengal Estates Acquisition Act, 1953 (West Bengal Act I of 1954).

(4) The West Bengal Land Reforms Act, 1955 (West Bengal Act X of 1956).

(5) The West Bengal Private Forests Act, 1948 (West Bengal Act XIV of 1948).

(6) The Bengal Rhinoceros Preservation Act, 1932 (Bengal Act VIII of 1932).

(7) The Bengal Municipal Act, 1932 (Bengal Act XV of 1932).

(8) The Bengal Village Self-Government Act, 1919 (Bengal Act V of 1919).

(9) The Bengal Local Self-Government Act of 1885 (Bengal Act III of 1885).

(10) The Bengal (Rural) Primary Education Act, 1930

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Page 45—

After item (10) of Schedule III, add the following item, namely :—

“(11) The Land Registration Act, 1876 (Bengal Act VII of 1876).”

(Added by West Ben. Act XIII of 1964, section 2.)

[No. 1, dated the 1st January, 1969.]

West Bengal Act XX of 1958¹

THE CALCUTTA SLUM CLEARANCE AND REHABILITATION OF SLUM-DWELLERS ACT, 1958.

[30th December, 1958.]

An Act to provide for the clearance of slums in Calcutta and Rehabilitation of Slum-dwellers and for certain other matters connected therewith.

WHEREAS it is expedient to provide for the clearance of slums in Calcutta and wherever possible for the erection of planned buildings after demolition of existing huts and other structures in such slums in the manner hereinafter appearing with a view to the removal of insanitary and unhygienic conditions prevailing therein, the provision of better accommodation and improved living conditions for the slum-dwellers, and the promotion of public health generally, and for certain other matters connected therewith ;

It is hereby enacted in the Ninth year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the Calcutta Slum Clearance and Rehabilitation of Slum-dwellers Act, 1958.

Short title,
commence-
ment and
extent.

(2) It shall come into ¹force on such date as the State Government may by notification appoint.

(3) It shall apply to Calcutta or to such portion of portions thereof as the State Government may, from time to time, by notification declare. The State Government may by notification extend it to any other town or local area in West Bengal specified in such notification.

Explanation.—In this sub-section, “Calcutta” means the area described in Schedule I to the Calcutta Municipal Act, 1951, as deemed to have been amended under section 594 of that Act.

2. In any area to which this Act applies—

(a) sections 393 to 413 (both inclusive) of, and Parts VIII and IX of Schedule XVI to, the Calcutta Municipal Act, 1951, and sections 335 to 362 (both inclusive) of, and Parts VIII and IX of Schedule XVII to, the Calcutta Municipal Act, 1923, as extended to the Municipality of Howrah by notification No. 260M, dated the 18th January, 1932, by the Government of

Repeal and
prohibition
of erection
or addition
or altera-
tion of new
hut, etc.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, of the 2nd December, 1957, Part IVA, page 5701 ; for Report of the Joint Select Committee on the Bill, see the *Calcutta Gazette, Extraordinary* of the 26th February, 1959, Part IVA, pages 687-700 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 12th December, 1957, the 4th, 6th, 10th, 11th, 12th, 13th, 14th, 18th, 20th, 25th and the 26th March, 1959 and the 6th July, 1958 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meetings of that Council held on the 16th December, 1957, the 18th, 21st, 22nd, 23rd and 30th July, 1958 and the 6th August, 1958.

²The Act came into force with effect from the 1st March, 1959. *Vide* notification No. 1644-M/1A—5/59, dated the 25th February, 1959, published in the *Calcutta Gazette, Extraordinary*, of 1959, Part IA, page 467.

48 *The Calcutta Slum Clearance and Rehabilitation of
Slum-dwellers Act, 1958.*

[West Ben. Act

(Sections 3, 4.)

Bengal in the Ministry of Local Self-Government and sections 334 to 347 (both inclusive) of, and Sections E, F and G and Form B of Schedule VI to, the Bengal Municipal Act, 1932, as the case may be, shall stand repealed, and

Bengal Act
XV of
1932.

- (b) notwithstanding anything contained in any of the aforesaid Acts, no new hut or collection of huts shall be erected or no addition to, or alteration in, any such hut or collection of huts, shall be made in such area except with the permission in writing of the prescribed authority and subject to such restrictions or conditions, if any, as may be prescribed.

Definitions. 3. In this Act, unless there is anything repugnant in the subject or context,—

- (1) "hut" means any structure, no substantial part of which, excluding the walls up to a height of eighteen inches above the floor or floor-level, is constructed of masonry, reinforced concrete, ferro-concrete, cemented brick-work, steel, iron or other metal, or any combination of these materials ;
- (2) "notification" means a notification published in the *Official Gazette* ;
- (3) "prescribed" means prescribed by rules made under this Act ;
- (4) "prescribed authority" means any person appointed by the State Government, by notification, to perform all or any of the functions of the prescribed authority under this Act ;
- (5) "slum" means any land containing a collection of huts or other structures used or intended to be used for human habitation ;
- (6) "slum-area" means any area declared as such by the State Government under section 4.

Declara-
tion of
slum-area.

4. (1) If the State Government is satisfied that in any area—

- (a) the huts or other structures used or intended to be used for human habitation are unfit for such purposes, or
- (b) the unhealthy or unhygienic condition thereof or of the huts or other structures therein, is dangerous or injurious to public health or to the health of the inhabitants of the area,

the State Government may, by notification, and in such other manner as may be prescribed, proclaim its intention to declare such area to be a slum-area.

*The Calcutta Slum Clearance and Rehabilitation of
Slum-dwellers Act, 1958.*

49

XX of 1958.]

(Section 5.)

(2) Upon the publication of such a notification and within two months of such publication, the person or persons affected by such notification may make representations in writing to the State Government, stating the grounds of their objection to the intended declaration.

(3) Upon consideration of such representations, if any, the State Government may withdraw the notification mentioned in sub-section (1) or may, by notification, declare such area or any portion thereof to be a slum-area.

5. (1) The State Government may, within one year after an area has been declared a slum-area under sub-section (3) of section 4, acquire the land comprised in such area together with all huts and other structures standing thereon by publishing in the *Official Gazette* and in such other manner as may be prescribed a notice to the effect that the State Government has decided to acquire such land together with all huts and other structures standing thereon.

Acquisition
of slum-
area.

(2) When a notice is published as aforesaid, any officer of the State Government, authorised by it in this behalf, may take possession of the land comprised in the slum-area together with all huts and other structures standing thereon, and thereupon such land and huts and other structures shall vest absolutely in the State Government free from all encumbrances :

Provided that such officer shall not take possession of any hut or other structure until the expiration of two months from the date of service of a notice to quit such hut or other structure which shall be served in such manner and on such persons as may be prescribed.

(3) If such notice is not complied with by the person concerned mentioned in the proviso to sub-section (2), the officer referred to in that sub-section may—

- (a) if he is a Magistrate, enforce the delivery of possession to himself of the hut or other structure, in respect of which the notice has been served, or
- (b) if he is not a Magistrate, apply to the Commissioner of Police, Calcutta, or to a Magistrate, as the case may be, and such Commissioner or Magistrate shall enforce the delivery of possession of such hut or other structure to such officer :

Provided that the provisions of sub-sections (2) and (3) shall not apply unless the State Government has offered alternative accommodation as near as may be within a radius of one mile from the slum-area to the occupier of such hut or other structure at a rent which the State Government is satisfied is comparable to what was being paid by the occupier or if no rent was being paid

[West Ben. Act

(Section 6.)

by the occupier, what was payable for similar accommodation in the locality and the occupier has refused or neglected to occupy such alternative accommodation within the time prescribed.

(4) Before taking possession under sub-section (2) or sub-section (3) of the land and huts and other structures, the officer shall pay such amount to the occupier as may be prescribed on account of—

- (a) cost of removal,
- (b) cost of dismantling and re-erecting any plant, machinery or such other equipment used for any trade or industry, and
- (c) compensation for any temporary loss of occupation.

Utilisation
of slum-
area for
building
and other
public
purposes.

6. (1) On the removal of the occupiers from all huts and other structures in pursuance of the provisions of sub-sections (2) and (3) of section 5, the State Government may take all necessary measures to clear the acquired land by the demolition of all huts and structures therein and to erect thereon buildings according to such plan as may be approved by it.

(2) The State Government may itself execute or cause to be executed the measures referred to in sub-section (1) or may entrust the execution to such local authority or any other public authority constituted by Government and on such terms and conditions as may be determined by the State Government.

(3) The buildings so erected or the huts remodelled under sub-section (6) will be let out to slum-dwellers and persons of such low income groups as may be prescribed.

(4) The terms and conditions for letting out the buildings erected or the huts remodelled under the provisions of sub-section (3) shall be such as may be prescribed.

(5) Where the acquired land is unsuitable for the construction of any building as aforesaid on the ground that the area is small, or on any other ground, the State Government may use it for such public purposes as it thinks fit.

(6) The State Government may, instead of demolishing huts and other structures and erecting buildings, take measures to remodel the slum in such manner and subject to such conditions as may be prescribed.

XX of 1958.]

(Section 7.)

7. (1) Any person having any interest in any land or hut or structure acquired under this Act shall be entitled to receive from the State Government compensation calculated according to the principles enumerated below, namely :—

Compensation.

(a) For the interest of the owner of the land—

compensation equal to the sum of—

(i) Value of the land determined according to the following table :—

Table

Amount of purchase price.	Value for purpose of compensation
(1) For the first Rs. 5,000 or less of the amount of purchase price.	100 per centum of the amount.
(2) For the next Rs. 5,000 or less of the amount of purchase price.	80 per centum of the amount.
(3) For the next Rs. 5,000 or less of the amount of purchase price.	70 per centum of the amount.
(4) For the next Rs. 5,000 or less of the amount of purchase price.	60 per centum of the amount.
(5) For the balance of the purchase price.	55 per centum of the amount.

and,

(ii) Ten times the net annual income derived or derivable by the owner from any huts and structures owned by him.

Explanation.—"Purchase price" means the price which the land fetched or could have fetched in any transaction involving the sale or purchase thereof on the 31st day of December, 1946.

(b) For the interest of a lessee or a sub-lessee of the land—compensation equal to the amount derivable by him for the unexpired period of the lease calculated on the basis of his net annual income from the land and from any huts and structures owned by him provided that when the unexpired period of the lease is ten years or

52 *The Calcutta Slum Clearance and Rehabilitation of
Slum-dwellers Act, 1958.*

[West Ben. Act

(Se 7.)

more or when the period of the lease is not specified,
the amount of compensation shall not exceed the
amount indicated in the following table :—

Table

Amount of the net annual income.	Amount of compensation.
For the first Rupees One hundred or less of the net annual income.	Twenty times the amount.
For the next Rupees One hundred and fifty or less of net annual income.	Fifteen times the amount.
For the balance of the net annual income.	Ten times the amount.

Explanation.—A lessee or sub-lessee will include a *thika* tenant as defined in the Calcutta *Thika* Tenancy Act, 1949, or a tenant who does not hold under an instrument in writing.

West Ben.
Act II of
1949.

- (c) For the interest of the owner of any hut or other structure—compensation equal to the cost of construction of a similar hut or other structure as on the date of vesting, after deducting therefrom an amount on account of depreciation calculated at such percentage as may be prescribed having regard to the nature of the materials used in the construction.

Explanation.—(i) “Gross income” means the aggregate of the amounts received or receivable during a year by the owner or the lessee or the sub-lessee on account of the rent of the land and of any huts or structures owned by him.

- (ii) “Net income” means the amount arrived at by deducting from the gross income—

- (a) the annual rents and taxes payable by the owner or the lessee or the sub-lessee for such land, huts and structures ;
- (b) the cost of repairs and maintenance of the huts and structures, if any, calculated at ten per centum of the gross income ;
- (c) the cost of management and collection calculated at six per centum of the gross income.

- (iii) “Net annual income” means the average of the net income calculated over a period of five consecutive years preceding the date of vesting. If only a portion of the land was let out for any period during the

**The Calcutta Shum Clearance and Rehabilitation of
Shum-dwellers Act, 1958.**

XX of 1958.]

(Sections 8—11.)

five consecutive years as aforesaid, then the gross income for the portion so let out shall be the basis determining the gross income of the entire land for such period.

(2) Where several persons claim to be entitled to compensation payable for any land or hut or structure under sub-section (1), the prescribed authority shall determine the persons who, in his opinion, are entitled to receive the same and apportion the amount among them.

(3) Determination of persons entitled to receive the compensation and the amount payable to each of them by the prescribed authority shall, subject to appeal as hereinafter provided, be final and conclusive.

8. The compensation mentioned in section 7 shall be paid and satisfied by issue of bonds by the State Government which shall bear interest at the rate of 5 per centum per annum with effect from the date of vesting referred to in sub-section (2) of section 5. The said bonds shall be redeemed and paid in full at the face value thereof immediately on the expiry of twenty years from the date of their issue but the State Government shall be at liberty to redeem and pay such bonds or any part thereof before the expiry of the said twenty years :

Determi-
nation of
compensa-
tion and
manner of
payment
thereof.

Provided, however, that the State Government shall, where the compensation does not exceed Rs. 5,000, pay such compensation in cash and where the amount of the compensation exceeds Rs. 5,000, pay an amount not exceeding Rs. 5,000 in cash and the balance in bonds.

9. (1) Any person aggrieved by an order made under section 7 may, within sixty days from the date of such order, prefer an appeal to such authority as may be appointed by the State Government.

Appeal.

(2) The authority appointed to hear appeals may entertain an appeal even after the expiry of the period of sixty days, if he is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(3) The State Government shall not appoint any person as the authority to hear appeals unless he is, or has been, or is qualified for appointment as, a judge of a High Court.

10. No suit shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

Indemnity.

11. (1) The State Government may, after previous publication, make rules for carrying out the purposes of this Act.

Power
to make
rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters which, under any provision of this Act, are required to be prescribed by rules.

West Bengal Act XXIII of 1958¹

THE WEST BENGAL STANDARDS OF WEIGHTS AND MEASURES (ENFORCEMENT) ACT, 1958.

AMENDED.....West Ben. Act. XXII of 1961.

[21st January, 1959.]

An Act to provide for the enforcement in West Bengal of standards of weights and measures.

89 of 1956. WHEREAS it is expedient to provide for the enforcement in West Bengal of standards of weights and measures established under the Standards of Weights and Measures Act, 1956 and for matters connected therewith ;

It is hereby enacted in the Ninth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

CHAPTER I.

Preliminary.

1. (1) This Act may be called the West Bengal Standards of Weights and Measures (Enforcement) Act, 1958.

(2) It extends to the whole of West Bengal.

(3) Subject to the provisions of sub-section (4), this section shall come into force at once and the remaining provisions of this Act shall come into force on such date or dates as the State Government may, by notification in the *Official Gazette* appoint ; and different dates may be appointed for different provisions of this Act or for different areas or for different classes of undertakings or for different classes of goods.

West Ben.
Ord. VII of
1958.

(4) The West Bengal Standards of Weights and Measures (Enforcement) Ordinance, 1958 is hereby repealed :

Provided that notwithstanding such repeal anything done or any action taken or any legal effect produced by or under any provision of the said Ordinance shall be deemed to have been done, taken or produced by or under the corresponding provision of this Act as if such corresponding provision were in force on the day on which such thing was done or such action was taken or such legal effect was produced.

Short title,
extent,
commence-
ment,
repeal and
savings.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extra-ordinary*, of the 6th December, 1958, Part IVA, page 5670 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 16th and 17th December, 1958 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 22nd December, 1958.

²The provisions of the Act came into force as follows namely :—

(1) on the 1.8.59 in Calcutta and the Howrah Municipality in respect of units of mass and units of measure and throughout West Bengal in respect of units of mass and measure. Vide notification No. 885-W.M., dated 10.7.59, published in the *Calcutta Gazette* of 1959, Part I, page 2566.

(For further entries relating to enforcement of the Act, see next page)

56 *The West Bengal Standards of Weights and Measures
(Enforcement) Act, 1958.*

[West Ben. Act

(Chapter 1.—Preliminary.—Section 1.)

(5) If, immediately before the commencement of any provision of this Act in respect of any area or class of goods or undertakings, there is in force in respect of that area or that class of goods or undertakings, any other law which corresponds to such provision, such other corresponding law, shall, on such commencement, stand repealed.

(2) on the 1.1.60 in respect of associations recognised by the Central Government under Act LXIV of 1952 in so far as they undertake the regulation and control of forward contracts in raw and manufactured jute. *Vide* notification No. 1171-W.M., dated 23.12.59, published in the *Calcutta Gazette, Extraordinary* of 1959, Part I, page 4564.

(3) on the 1.4.60 in West Bengal other than Calcutta and Howrah Municipality in respect of sugar, vanaspathi, biscuits, soaps, cloth, paints, oil and drugs relating to units of mass. *Vide* notification No. 273 W.M., dated 24.8.60, published in the *Calcutta Gazette, Extraordinary*, of 1960, Part I, page 1032.

(4) on the 1.4.60 in the whole of West Bengal in respect of cloth, paints, oil and drugs relating to units of measures. *Vide* notification No. 274 W.M., dated 24.3.60, published in the *Calcutta Gazette, Extraordinary*, of 1960, Part I, page 1032.

(5) on the 1.4.60 in West Bengal, other than Calcutta and the Howrah Municipality, in respect of crude petroleum and petroleum products relating to units of mass. *Vide* notification No. 300 W.M., dated 31.3.60, published in the *Calcutta Gazette* of 1960, Part I, page 1122.

(6) on the 1.4.60 in the whole of West Bengal in respect of crude petroleum and petroleum products relating to units of measures. *Vide* notification No. 301 W.M., dated 31.3.60, published in the *Calcutta Gazette* of 1960, Part I, page 1122.

(7) on the 1.5.60 in the whole of West Bengal except Calcutta and the Municipality of Howrah relating to units of mass in respect of the classes of undertakings and classes of goods specified. *Vide* notification No. 590 W.M., dated 30.4.60, published in *Calcutta Gazette* of 1960, Part I, page 1629.

(8) on the 1.5.60 in the whole of West Bengal relating to units of measure in respect of the classes of undertakings and the classes of goods specified. *Vide* notification No. 591 W.M., dated 30.4.60, published in the *Calcutta Gazette* of 1960, Part I, page 1629.

(9) on the 1.5.60 in the whole of West Bengal, except Calcutta and the Municipality of Howrah, relating to units of mass in respect of transactions involving sale and purchase of goods. *Vide* notification No. 592 W.M., dated 30.4.60, published in the *Calcutta Gazette* of 1960, Part I, pages 1629-1630.

(10) on the 1.2.61 in the whole of West Bengal in respect of the classes of undertakings specified. *Vide* notification No. 97-W.M., dated 31.1.61, published in the *Calcutta Gazette, Extraordinary* of 1961, Part I, pages 535-536.

(11) on the 1.4.61 in West Bengal in respect of sale of liquid paints in West Bengal Factories. *Vide* notification No. 318 W.M., dated 23.2.61, published in the *Calcutta Gazette* of 1961, Part I, page 706.

(12) on the 1.5.61 in Calcutta and the Municipality of Howrah in respect of units of capacity. *Vide* notification No. 699 W.M., dated 29.4.61, published in the *Calcutta Gazette, Extraordinary* of 1961, Part I, page 1137.

(13) on the 1.11.61 in the whole of West Bengal in respect of the classes of undertakings specified in relation to alcohol. *Vide* notification No. 2053-W.M., dated 26.10.61, published in the *Calcutta Gazette* of 1961, Part I, page 3840.

(14) on the 1.12.61 in the whole of West Bengal in relation to units of mass for all these classes of undertakings and all these classes of goods in
(For further entries relating to enforcement of the Act, see next page)

XXIII of 1958.]

(Chapter I.—Preliminary.—Section 2.)

2. In this Act unless the context otherwise requires,—

Definitions.

- (a) "Assistant Controller" or "Deputy Controller" means an Assistant Controller or Deputy Controller of Weights and Measures appointed under section 13 ;
- (b) "Controller" means the Controller of Weights and Measures appointed under section 13 ;
- (c) "Inspector" means an Inspector of Weights and Measures appointed under section 13 ;
- (d) "measuring instrument" means any measuring instrument other than a weighing instrument and includes any instrument for measuring length, area, volume or capacity ;
- (e) "mint" means a mint of the Central Government ;
- (f) "prescribed" means prescribed by rules made under this Act ;
- (g) "standard weight" or "standard measure" means any unit of mass or measure referred to in sub-section (1) of section 13 of the Standards of Weights and Measures Act, 1956, and includes any other weight or measure permitted to be used by the Central Government in pursuance of sub-section (1) of section 14 of the said Act ;

- (h) "reference standards" means the sets of standards of mass and measure established by the State Government in pursuance of section 14 of the said Act ;

VOLUME VIII

Standards

Pages 57—

In section 2, after clause (i), insert the following clause, as to be, namely:—

- (ia) "transaction" means any transaction in trade or commerce and includes any assessment or declaration or determination of quantity with reference to measurement of weight, volume, capacity, length or area; used with weighing

(Inserted by West Ben. Act X of 1965, section 2.)

the into force, the Calcutta

[No. 2, dated the 1st May, 1970.] on to units of length for all those classes of undertakings and in respect of which the provisions of the Act have not already come into force. of goods in
Vide notification No. 2209 W.M., dated 23.11.61, published in the Calcutta Gazette of 1961, Part I, page 3979.

(16) on the 1.12.61 in the whole of West Bengal in relation to units of measure in respect of the classes of undertakings mentioned and to the extent specified. Vide notification No. 2272 W.M., dated 29.11.61, published in the Calcutta Gazette of 1961, Part I, page 3979.

(17) on the 1.4.62 in the whole of West Bengal in relation to units of measure relating to capacity for all those classes of undertakings and all those classes of goods in respect of which the provisions of the Act have not already come into force. Vide notification No. 443 M., dated 31.3.62, published in the Calcutta Gazette, Extraordinary, dated the 31st March, 1962, Part I, page 1485.

[West Ben. Act

(Chapter II.—Standard Weights and Standard Measures.
—Sections 3, 4.)

instrument or measuring instrument, includes the process of comparing, checking or testing such weight or measure or weighing instrument or measuring instrument ;

- (k) "weighing instrument" means any instrument for weighing and includes scales with the weights, belonging thereto, scale-beams, balances, spring balances, steel yards and other weighing appliances.

CHAPTER II.

Standard Weights and Standard Measures.

Working
models,

3. (1) For the purpose of verifying the correctness of weights and measures and weighing instruments and measuring instruments used in any transaction, the State Government may cause to be prepared as many standard weights and standard measures to be called working models as it may deem necessary.

1* * *

(2) The working models shall be made of such material and according to such designs and specifications and shall be prepared by such agency and shall be verified and stamped by such person or authority and in such manner as may be prescribed.

(3) The working models shall be kept at such places, in such custody and in such manner as may be prescribed.

(4) A working model shall be verified with reference to the corresponding verification model referred to in sub-section (1) of section 4.

2* * *

(5) A working model which is not duly verified and stamped shall not be used for the purposes of this Act.

(6) A working model which has become defective or worn out by use or which has not been re-verified and stamped in such manner and at such intervals as may be prescribed shall not be used for the purposes of this Act.

Verification
models.

4. (1) The State Government may, with the permission of the Central Government, cause to be prepared at a mint as many sets of standard weights and standard measures as it may deem necessary to be called the verification models.

(2) The verification models shall be made of such material and according to such designs and specifications, and shall be stamped in such manner and by such person or authority, as may be prescribed.

The words "and special working models in relation to bullion and precious stones may also be prepared" were omitted with retrospective effect by sec. 3(1) of the West Bengal Standards of Weights and Measures (Enforcement) (Amendment) Act, 1961 (West Ben. Act XXII of 1961).

The proviso was omitted with retrospective effect by sec. 2(2), *ibid.*

The West Bengal Standards of Weights and Measures 59
(Enforcement) Act, 1958.

XXIII of 1958.]

(Chapter II.—Standard Weights and Standard Measures.—
Sections 5—7.—Chapter III.—Verification and Stamping
of Weights and Measures—Sections 8, 9.)

(3) The verification models shall be kept at such places, in such custody and in such manner as may be prescribed.

(4) A verification model shall be verified and shall be re-verified at least once in every five years with reference to the corresponding reference standard and shall be stamped with the date of verification or re-verification, as the case may be, by such person or authority as may be prescribed.

(5) A verification model which is not verified or re-verified in accordance with the provisions of sub-section (4) shall not be used for the purposes of this Act.

5. The reference standards shall be kept at such places, in such custody and in such manner as the State Government may direct.

Reference standards.

6. Notwithstanding anything contained in any other law or any custom, usage or practice in any area or in respect of any class of goods or undertakings where or in respect of which this Act has come into force, no unit of mass or measure, other than the standard weights or standard measures, shall be used in any transaction or in any dealing or contract for any work to be done or goods to be sold or delivered.

Prohibition of use of weights and measures other than standard weights and measures.

7. (1) Notwithstanding anything contained in this Act, the State Government may, by notification in the *Official Gazette*, direct that in respect of any class of articles specified in the notification all transactions shall be by weight only or by measure only.

Power to prescribe the use of weights only, or measures only, in certain cases.

Page 59—

(2) A notification issued under this section shall take effect from such date, and subject to such

In section 8, for the words "manufactured for use in any transaction", substitute the words "which is manufactured with the intention that it may be, or with the knowledge that it is likely to be, used in any transaction".

(Substituted by West Ben. Act X of 1965, section 3.)

[No. 2, dated the 1st May, 1970.]

asures.

use in any
proof marked

Making of denominations on weights and measures.

59—

In section 9, for the words "shall be sold or delivered or in any transaction", in the two places where they occur, substitute the words "shall be used in any transaction or shall be sold or delivered with the intention that it may be, or with the knowledge that it is likely to be, so used".

(Substituted by West Ben. Act X of 1965, section 4.)

instrument shall
less it has been

[No. 2, dated the 1st May, 1970.]

... with the rules made under this Act and stamped with a stamp of verification in such manner as may be prescribed.

Prohibition of sale, delivery or use of un-stamped weights and measures or weighing instruments or measuring instruments.

(Chapter III—Verification and Stamping of Weights and

Page 60—

For section 11, substitute the following section, namely:—

Power of State Government to exempt.

10. Where "Prohibition of manufacture, etc., of weights and measures without this Act, carry on any trade or business involving the manufacture, repair or sale of any weight or measure or any weighing instrument or measuring instrument in tending or knowing it to be likely that such weight measure, weighing instrument or measuring instrument may be used in any transaction.

Prohibition of manufacture, etc., of weights and measures without licence.

11. No person shall engage in any trade or business involving the manufacture, repair or sale of any weight or measure or any weighing instrument or measuring instrument in tending or knowing it to be likely that such weight measure, weighing instrument or measuring instrument may be used in any transaction.

Marking of weights or measures on sealed containers.

12. No person shall engage in any trade or business involving the manufacture, repair or sale of any weight or measure or any weighing instrument or measuring instrument in tending or knowing it to be likely that such weight measure, weighing instrument or measuring instrument may be used in any transaction.

For the proviso to section 11, namely:—

"Provided that—

(a) the State Government may, by order, exempt any person or class of persons from the provisions of this section if, in the opinion of the State Government, it is expedient to do so.

(b) the provisions of this section shall not apply to any article which is not ordinarily sold by weight or measure."

(Substituted by West Ben. Act X of 1965, section 6.)

[No. 2, dated the 1st May, 1970.]

(3) Subject to the provisions of this Act, all Deputy Controllers, Assistant Controllers and Inspectors shall perform their functions under the general superintendence and control of the Controller; and the Controller, the Deputy Controllers and the Assistant Controllers may, in addition to the powers and duties conferred and imposed on them by and under this Act, exercise any power or discharge any duty so conferred or imposed on Inspectors.

(4) The State Government or the Controller, if so authorised by the State Government, may appoint such other persons as may be necessary for carrying out the purposes of this Act.

XXIII of 1958.]

(Chapter III.—Verification and Stamping of Weights and Measures.—Sections 14, 15.)

14. (1) An Inspector shall, for the purpose of verification of weights and measures and weighing instruments and measuring instruments, attend at such place and time within his jurisdiction as may be appointed in this behalf by the Controller.

Verification and stamping by Inspectors.

(2) An Inspector shall verify every weight or measure or weighing instrument or measuring instrument which is brought to him for the purpose of verification in accordance with such rules as may be prescribed.

(3) If, on such verification, the Inspector finds the weight or measure or weighing instrument or measuring instrument correct, he shall stamp the same with a stamp of verification in the prescribed manner; but, if on the other hand, he finds the weight or measure or weighing instrument or measuring instrument incorrect and defective, he shall refuse to stamp the same with a stamp of verification and obliterate the denomination mark on such weight or measure.

15. (1) An Inspector may, within the area under his jurisdiction, inspect, at such times as may be prescribed, the weights or measures or weighing instruments or measuring instruments which are used in transactions in trade or commerce

Power to inspect, etc.

ss 61-62—

In section 15,—

- (1) in sub-section (1), omit the words "in trade or commerce";
- (2) in sub-section (2),—
 - (a) for the words "engaged in any trade or commerce", substitute the words "engaged in any transaction";
 - (b) for the words "premises used for trade or commerce", substitute the words "premises used for any transaction";

(3) An Inspector may seize any weight or measure or weighing instrument or measuring instrument regarding which an offence under this Act appears to have been committed or which appears to have been, or which might be, used in the commission of such an offence, and may also seize any article sold or delivered or caused to be sold or delivered which has been weighed or measured by such weight or measure or weighing instrument or measuring instrument together with any documents or records relating to the transaction.

(4) Where an Inspector has reasons to believe that a sealed package or container purporting to contain any net weight or measure of any article ordinarily sold by weight

[West Ben. Act

(Chapter III.—Verification and Stamping of Weights and Measures.—Sections 16, 17.)

or measure does not actually contain the net weight or measure of the article which it purports to contain, the Inspector may, in the presence of witnesses, break open the sealed container and verify its contents.

(5) If, on such verification, the net weight or measure of the article is found to be correct, the Inspector shall tender the fair price thereof and may require a written acknowledgment therefor.

(6) If, on the other hand, the net weight or measure of the article is found on such verification to be incorrect, the Inspector may seize the package or container and the article contained therein, after tendering the fair price thereof where the seizure is made from any person other than the manufacturer, and may file a complaint against the manufacturer for contravention of the provisions of section 12.

**Manufac-
turers, etc.,
to maintain
records and
documents**

16. Every manufacturer or repairer of, or dealer in, weights or measures or weighing instruments or measuring instruments, and every person using them in any transaction shall maintain such records and accounts as may be prescribed.

Appeals.

17. (1) If the Controller, a Deputy Controller, an Assistant Controller or an Inspector—

(a) refuses to stamp any weight or measure or weighing instrument or measuring instrument and obliterates the denomination mark thereon under sub-section (3) of section 14, or

(b) seizes any weight or measure or weighing instrument or measuring instrument or article under sub-section (3) of section 15,

any person aggrieved by such refusal or seizure may, within sixty days from the date of such refusal or seizure, prefer an appeal,—

(i) in the case of a refusal or seizure by the Controller or by a Deputy Controller, to the State Government ; and

(ii) in any other case, to the Controller.

(2) On receipt of any such appeal, the appellate authority shall, after giving the appellant a reasonable opportunity of being heard and after making such inquiry as it deems proper, decide the appeal and the decision of the appellate authority shall be final.

The West Bengal Standards of Weights and Measures 63
(Enforcement) Act, 1958.

XXIII of 1958.]

(Chapter III.—Verification and Stamping of Weights and Measures.—Section 18.—Chapter IV.—Penalties.—Sections 19, 20.)

18. The State Government may charge such fees—

Levy of fees.

(a) for the grant of licences under section 11, for manufacture, repair or sale of weights and measures and weighing instruments and measuring instruments, and

(b) for the verification, marking, and stamping of weights and measures and weighing instruments and measuring

Amend-
ment of
section 18
of West
Ben. Act
XXIII of
1958.

2. In the proviso to section 18 of the West Bengal Standards of Weights and Measures (Enforcement) Act, 1958, for the words "two hundred and fifty rupees," the words "five thousand rupees." shall be substituted.

WB. Act v of 1984

Penalties.

19. Whoever contravenes any of the provisions of section 9 shall, if such contravention is in respect of—

Penalty for contravention of the provisions of section 9.

(1) the sale or delivery of a weight or measure or a weighing instrument or a measuring instrument, be punishable with fine which may extend to two thousand rupees ; and

(2) the use of any weight or measure or weighing instrument or measuring instrument in any transaction, be punishable, for a first offence, with fine which may extend to one thousand rupees, and for second or subsequent offence, with imprisonment for a period which may extend to three months, or with fine which may extend to two thousand rupees, or with both.

20. (1) Whoever has in his possession for use in any transaction, any weight or measure or any weighing instrument or measuring instrument which has not been verified or re-verified or stamped in accordance with the provisions of this Act and the rules made thereunder shall be punishable for a first offence, with fine which may extend to one thousand rupees, and for a second or subsequent offence, with imprisonment for a period which may extend to three months, or with fine which may extend to two thousand rupees, or with both.

Penalty for possession of un-stamped weights and measures for use in transactions.

(2) When any such weight or measure or weighing instrument or measuring instrument is found in the possession of any person, such person shall be presumed, until the contrary is proved, to have had it in his possession for use in transactions.

[West Ben. Act

Page 64-

(Chap In sub-section (3) of section 20,—

- (3) Where a person engaged in, or carrying on, any transaction of such trader, was committed by him and without his consent the offence was committed by him (Substituted by West Ben. Act X of 1965, section 8.)
- (1) for the words "any employee or agent of a trader" substitute the words "an employee or agent of a person engaged in, or carrying on, any transaction"
- (2) for the words "such trader", in the two places where they occur, substitute the words "such person"

[No. 2, dated the 1st May, 1970.]

Penalty for manufacture of weights, etc., without licence.

21. Whoever manufactures, repairs, or sells any weight or measure or weighing instrument or measuring instrument, without obtaining a licence as required by section 11, shall be punishable with imprisonment for a period which may extend to three months, or with fine, or with both.

Penalty for use of weight or measure in contravention of direction under section 7.

22. Whoever contravenes any direction contained in a notification issued under section 7 shall be punishable with fine which may extend to two thousand rupees.

Penalty for failure to mark correct weight or measure on sealed containers.

23. Whoever contravenes the provisions of section 12 shall be punishable with fine which may extend to two thousand rupees.

Penalty for fraudulent use of weights, measures, etc.

24. Whoever fraudulently uses any weight or measure or weighing instrument or measuring instrument knowing it to be false shall be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

Penalty for being in possession of false weight or measure, etc.

25. Whoever is in possession of any weight or measure or weighing instrument or measuring instrument which he knows to be false, intending that the same may be fraudulently used, shall be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

Penalty for making or selling false weight or measure, etc.

26. Whoever makes, sells or disposes of or causes to be made, sold or disposed of any false weight or measure or weighing instrument or measuring instrument knowing it to be false, in order that the same may be used as true, or knowing that the same is likely to be used as true, shall be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

XXIII of 1958.]

(Chapter IV.—Penalties.—Sections 27—30.)

27. Whoever in selling any article by weight or measure, delivers or causes to be delivered to the purchaser less than what is purported to be sold shall, if the deficiency exceeds the prescribed limit of error, be punishable with fine which may extend to three hundred rupees.

Penalty for giving short weight or measure.

28. Whoever in purchasing any article by weight or measure, obtains from the seller more than what is purported to be purchased shall, if the excess exceeds the prescribed limit of error, be punishable with fine which may extend to three hundred rupees.

Penalty for obtaining excess weight or measure.

29. (1) Whoever counterfeits any stamp used under this Act for the stamping of any weight or measure or weighing instrument or measuring instrument or possesses any such counterfeit stamp, or removes a stamp from any weight or measure or weighing instrument or measuring instrument and transfers the same into another weight or measure or weighing instrument or measuring instrument, or wilfully increases or diminishes a weight or measure duly stamped under the provisions of this Act, shall be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

Penalty for counterfeiting weights, measures, etc.

(2) Whoever knowingly uses, sells, disposes of or exposes for sale any weight or measure or weighing instrument or measuring instrument stamped with such counterfeit stamp thereon, or stamped with the stamp removed from another weight or measure, shall be punishable with imprisonment for a period which may extend to six months, or with fine, or with both.

30. Whoever—

(a) refuses or neglects to produce for inspection under section 15, any weight or measure or weighing instrument or measuring instrument or any document or record, relating thereto in his possession or on his premises, or

Penalty for neglect or refusal to produce weight or measure, etc. for inspection.

age 65—

In section 30,—

(1) in clause (d), add the word "or" at the end ;

(2) after clause (d), insert the following clause, namely:—

(e) fails or refuses to produce any seized article in compliance with an undertaking furnished under sub-section (9) of section 15,".

verify any

ction 15,

in the

and inserted by West Ben. Act X of 1965, section 9.)

hundred

lo. 2, dated the 1st May, 1970.]

[West Ben. Act

(Chapter IV.—Penalties.—Section 31.—Chapter V.—
Miscellaneous.—Sections 32—36.)

Penalty for
breach of
duty by
Inspector.

31. If an Inspector knowingly stamps a weight or measure or weighing instrument or measuring instrument in contravention of the provisions of this Act or of the rules made thereunder, he shall be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

CHAPTER V.

Miscellaneous.

Protection
of action
taken in
good faith.

32. No suit, prosecution or other legal proceeding shall lie against the Controller or any Deputy Controller or any Assistant Controller or any Inspector or any other person appointed under this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

Cognizance
of offences,
etc.

33. (1) No court shall take cognizance of an offence punishable under this Act except upon complaint in writing made by the Controller or any officer authorised in this behalf by the Controller by general or special order.

(2) No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

Stamped
weights,
etc., to be
presumed to
be correct.

34. A weight or measure or weighing instrument or measuring instrument duly stamped under the provisions of this Act and the rules made thereunder shall be presumed to be correct until its inaccuracy is proved.

Controller,
appointed
under the
to be
the
of the
of the
of the

35. The Controller, every Deputy Controller, every Assistant Controller and every Inspector appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

XLV of
1860.

Offences by
companies.

36. (1) If the person committing an offence punishable under this Act is a company, the company and every director, manager, secretary or agent of the company, unless such director, manager, secretary or agent proves that the offence was committed without his knowledge or consent, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished.

The West Bengal Standards of Weights and Measures (Enforcement) Act, 1958. 67

XXIII of 1958.]

(Chapter V.—Miscellaneous.—Sections 37—39.)

(2) Notwithstanding anything contained in sub-section (1), where an offence punishable under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any other officer or person concerned in the management of the company, such other officer or person shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished.

Explanation.—For the purposes of this section—

- (a) "company" means a body corporate and includes a firm or other association of individuals ; and
- (b) "director", in relation to a firm, means a partner in the firm.

37. The State Government may, by notification in the *Official Gazette*, direct that any power exercisable by it under this Act or the rules made thereunder shall, in relation to such matters and subject to such conditions, as may be specified in the direction, be exercisable also by such officer or authority subordinate to the State Government as may be specified in the notification.

Limits of error to be tolerated in weights and measures.

89 of 1956. 38. Subject to any rules that may be made under the Standards of Weights and Measures Act, 1946, in this behalf, the State Government may prescribe the limits of error which may be tolerated—

Delegation of powers.

- (a) in working models referred to in section 3 ;
- (b) in verification models referred to in section 4 ;
- (c) in weights and measures or in selling articles by weight or measure generally or as regards any trade or class of trades ; and
- (d) in weighing instruments and measuring instruments.

Page 67— 39. (1) The State Government may, by notification in the *Official Gazette* make rules to carry out the purposes of

Power to make rules.

In sub-section (2) of section 39, —

- (1) in clause (j), omit the words "in trade or commerce"; for all or
- (2) in clause (m), after the words "may be preferred", insert the words, figures and brackets "under sub-section (3) of section 11 or".

(Omitted and inserted by West Ben. Act X of 1965, section 11.)

generality
for all or
specifications
may be made,
be prepared,
by which
d, the places
which such

[No. 2, dated the 1st May, 1970.]
models may be kept ;'

¹For the West Bengal Standard of Weights and Measures (Enforcement) Rules, 1959, made under sec. 89 of the Act, see notification No. 949 W.M., dated 21.8.59, published in the *Calcutta Gazette, Extraordinary* of 1959, Part I, pages, 1889—1917, as subsequently amended from time to time.

[West Ben. Act

(Chapter V.—Miscellaneous.—Section 39.)

- (b) the manner and procedure for the verification or re-verification and stamping of working models ;
- (c) the material of which and the designs and specifications according to which verification models may be made, the person by whom or the authority by which such models may be stamped, the places at which and the custody and manner in which such models may be kept ;
- (d) the manner and procedure for the verification or re-verification and stamping of verification models ;
- (e) the manner in which weighing instruments and measuring instruments may be verified and stamped with stamps of verification and necessary particulars regarding the same ;
- (f) the manner in which denominations may be marked on weights and measures and the manner in which weights and measures may be verified and stamped with stamps of verification ;
- (g) the form in which, and the conditions subject to which licenses may be granted to persons for manufacture, repair or sale of weights and measures and weighing instruments and measuring instruments, the procedure for granting licenses and the authorities by which licenses may be granted ;
- (h) the qualifications, functions and duties generally of Inspectors and other persons appointed under sub-section (4) of section 13 of this Act ;
- (i) the period within which working models and weights and measures and weighing instruments and measuring instruments are to be re-verified ;
- (j) inspection of weights and measures and weighing instruments and measuring instruments used in transactions in trade or commerce ;
- (k) the seizure and disposal of weights and measures which are not authorised by this Act ;
- (l) the books, accounts and records relating to weights and measures and weighing instruments and measuring instruments to be maintained and the manner in which they may be maintained or produced ;

The West Bengal Standards of Weights and Measures 69
(Enforcement) Act, 1958.

XXIII of 1958.]

(Chapter V.—Miscellaneous.—Section 39.)

- (m) the form and manner in which appeals may be preferred under section 17 and the procedure for hearing appeals ;
 - (n) the fees which may be charged for the grant of licenses under section 11 and for verification, re-verification and stamping of weights and measures and weighing instruments and measuring instruments and the collection and levy of the same ;
 - (o) any other matter which has to be, or may be, prescribed.
- (3) In making any rule under this section the State Government may provide that a breach thereof shall be punishable with fine which may extend to five hundred rupees.
- (4) The power to make rules under this section shall be subject to the condition of previous publication in the *Official Gazette*.
- (5) All rules made under this section shall, as soon as may be, after they are made, be laid before the State Legislature.

Pages 68-69—

After section 39, add the following section, namely:—

“Saving. 40. Nothing in this Act shall apply to weights or measures or weighing instruments or measuring instruments used by or in any unit or establishment of the naval, military or air forces or any other armed forces of the Union referred to in entry 2 of List I of the Seventh Schedule to the Constitution of India.”

by West Ben. Act X of 1965. section 12.)
[No. 2, dated the 1st May, 1970.]

West Bengal Act XXIV of 1958¹

THE WEST BENGAL ANTI-PROFITEERING ACT, 1958.

AMENDED West Ben. Act XXXIV
of 1963.

[26th January, 1959.]

An Act to prevent profiteering in certain articles in daily use.

WHEREAS it is expedient in the public interest to prevent profiteering in certain articles in daily use ;

It is hereby enacted in the Ninth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the West Bengal Anti- Short tit
profiteering Act, 1958. and exte

(2) It extends to the whole of West Bengal.

2. In this Act, unless there is anything repugnant in the Definitio
subject or context,—

(a) “dealer” means any person carrying on the business of selling any scheduled article, and includes a producer, importer, wholesaler or retailer ;

(b) “importer” means any person who brings any scheduled article into the State of West Bengal from any place outside the State for the purpose of sale in the State ;

(c) “producer” means a person engaged in the production, manufacture or processing of any scheduled article ;

(d) “profiteering”, with its grammatical variations and cognate expressions, means the sale by a dealer of any scheduled article at a price or rate higher than that fixed under section 3 ;

(e) “retailer” means a person who sells any scheduled article to a consumer not being a dealer ;

(f) “scheduled article” means an article specified in the First Schedule ; and

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 6th December, 1958, Part IVA, page 5674 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 18th, 20th, 22nd, 23rd, 27th and 29th December, 1958 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meetings of that Council held on the 2nd and 6th January, 1959.

[West Ben. Act

(Sections 3—6.)

- (g) “wholesaler” means a dealer who sells any scheduled article to any other dealer, and includes a broker, commission agent or any other agent having authority to sell any schedule article belonging to his principal.

Fixation of maximum and minimum prices or rates for scheduled articles.

3. (1) The State Government may, by order notified in the *Official Gazette*, fix in respect of any scheduled article the maximum price or rate which may be charged by a dealer or the minimum price which is to be paid by a purchaser.

(2) Any order made under sub-section (1) may fix the maximum prices or rates or the minimum price to be paid by the purchaser for the same description of scheduled articles differently in different localities or for different classes of dealers.

Offence of profiteering.

4. Any dealer who, profiteers in any scheduled article shall be punishable with rigorous imprisonment which may extend to two years or with fine or with both, and ¹[the entire stock of any scheduled article in respect of which] the offence has been committed or such part thereof as to the court may seem fit shall be forfeited to the Government.

Offence of refusal to sell and purchasing at price less than the minimum.

5. (1) Any dealer who, without reasonable excuse,—

- (a) refuses to sell any scheduled article, or
- (b) refuses to sell any scheduled article at the price or rate fixed in respect thereof under section 3,

shall be punishable with rigorous imprisonment which may extend to two years or with fine or with both.

Explanation.—The possibility or expectation of obtaining a higher price for a scheduled article at a later date shall not be deemed to be a reasonable excuse for the purposes of this section.

(2) Any purchaser who purchases any scheduled article at any price less than the minimum price fixed therefor under section 3 shall be punishable with rigorous imprisonment which may extend to two years or with fine or with both.

Dealer to submit returns, maintain accounts, furnish information, etc.

6. (1) Every dealer shall on requisition by an officer duly authorised in this behalf by the State Government by order notified in the *Official Gazette*, submit to him in the form specified in the Second Schedule by such date and relating to such period as may be mentioned in the requisition, returns of stocks of any scheduled article acquired, held or sold by him.

¹Substituted for the words “any scheduled article in respect of which” by sec. 2 of the West Bengal Anti-profiteering (Amendment) Act, 1963 (West Ben. Act XXXIV of 1963).

XXIV of 1958.]

(Sections 7—9.)

(2) Every dealer, unless exempted by an order made in this behalf, shall—

- (a) keep in the form specified in the Third Schedule a true account of any scheduled article acquired, held or sold by him after the commencement of this Act ;
- (b) display in his place of business in a prominent manner so as to be open to public view, a list of those scheduled articles intended for sale the prices or rates of which have been fixed under section 3 in respect of such dealer, with the prices or rates, so fixed in respect thereof ;
- (c) furnish to any officer referred to in sub-section (1), or any police officer referred to in sub-section (2) of section 9, any information in respect of the acquisition or sale by him of any scheduled article mentioned in clause (b) ;
- (d) make available to any officer mentioned in clause (c) for his inspection such accounts, registers, vouchers or other documents relating to the import, production, purchase or sale of any scheduled article mentioned in clause (b) or matters connected therewith as may be required by him.

7. When any police officer not below the rank of a Sub-Inspector of Police has reasonable grounds for believing that there has been a contravention of any of the provisions of this Act, such officer may, after recording in writing the grounds of his belief, at all reasonable hours enter and search any place where a dealer keeps, or is for the time being keeping, any scheduled article, accounts, registers, vouchers or other documents referred to in clause (d) of sub-section (2) of section 6 and if necessary inspect, seize or retain all or any of them for so long as they may be required for any investigation into any offence under this Act.

Power to search and seize.

8. Any dealer who fails to comply with any of the provisions of section 6 or with a requisition issued thereunder or obstructs any officer in the exercise of his powers under section 7 shall be punishable with rigorous imprisonment which may extend to six months or with fine or with both.

Penalty for contravention of section 9 or section 7.

9. (1) All offences punishable under this Act shall be cognizable.

Cognizance of offences and arrest without warrant.

(2) Any police officer not below the rank of a Sub-Inspector of Police may arrest without warrant any person against whom a reasonable complaint has been made or credible information has been received of his having been concerned in any of the offences punishable under this Act.

[West Ben. Act

(Sections 10—13 and the First Schedule.)

Indemnity.

10. No suit, prosecution or other legal proceeding shall lie against any public servant for anything which is in good faith done or intended to be done under this Act or any order made thereunder.

Power to add to the First Schedule.

11. The State Government may, with the previous approval of the Central Government, by order notified in the *Official Gazette*,¹ add to the First Schedule any other article of daily use, and thereupon that Schedule shall be deemed to be amended accordingly and the article so added shall be deemed to be a scheduled article within the meaning of this Act.

Effect of orders inconsistent with the Essential Commodities Act, 1955, or orders thereunder.

12. If any order controlling the price of any essential commodity within the meaning of the Essential Commodities Act, 1955 has been made before the commencement of this Act or is made after such commencement and such essential commodity is a scheduled article within the meaning of this Act and the order so made extends to the State of West Bengal or any part thereof, that order shall have effect in the State or part thereof, as the case may be, notwithstanding anything inconsistent therewith contained in this Act or any order made thereunder.

X of 1955.

Repeal and Savings.

13. (1) The West Bengal Anti-profiteering Ordinance, 1958 is hereby repealed.

West Ben. Ord. IX of 1958.

(2) Anything done or any action taken under the West Bengal Anti-profiteering Ordinance, 1958 shall be deemed to have been done or taken under this Act as if this Act had commenced on the 22nd day of October, 1958.

FIRST SCHEDULE.

[See section 2 (f) and section 11.]

- (1) Rice and rice in the husk.
- (2) Wheat and wheat products.
- (3) Pulses.
- (4) Spices.
- (5) Edible oil.
- (6) Sugar.
- (7) Baby food.
- (8) Paper.
- (9) Drugs and medicine.
- (10) Skimmed milk powder.
- (11) Kerosene.
- ¹(12) Fish.

¹Item "(12) Fish" was added by notification No. 3705 Fish, dated the 30th September, 1962, published in the *Calcutta Gazette, Extraordinary* of 1962, Part I, page 2897.

XXIV of 1958.]

(The Second and the Third Schedules.)

SECOND SCHEDULE.

[See section 6(1).]

Form of Return of Stocks for the period from.....to.....

Name of dealer.....whether producer, importer, wholesaler or retailer.

Address of place of business.....

Description of scheduled article.	Stocks held at the beginning of the period.	Stocks subsequently acquired with date and price of acquisition and names and addresses of persons from whom acquired.	Stocks sold during the period together with the date of sale, the sale price and the names and addresses of persons to whom sold (except in the case of sale by retailers).	Stocks held at the end of the period (except in the case of retailers).
1	2	3	4	5

THIRD SCHEDULE.

[See section 6(2)(a).]

Form of Account of Stocks.

Name of dealer.....whether producer, importer, wholesaler or retailer.

Address of place of business.....

Description of scheduled article.	Stocks held when Act comes into force	Stocks subsequently acquired with date and price of acquisition and names and addresses of persons from whom acquired.	Stocks sold together with the date of sale, the sale price and the names and addresses of persons to whom sold (except in the case of sale by retailers).	Stocks held at the end of each day (except in the case of retailers).
1	2	3	4	5

West Bengal Act XXVI of 1958¹

THE WEST BENGAL IRRIGATION (IMPOSITION OF WATER RATE FOR DAMODAR VALLEY CORPORATION WATER) ACT, 1958.

[30th January, 1959.]

An Act to provide for the imposition of a water rate in areas in West Bengal where water supplied by the Damodar Valley Corporation is available for irrigation and certain matters ancillary thereto and connected therewith.

WHEREAS it is expedient to provide for the imposition of a water rate in areas in West Bengal where water supplied by the Damodar Valley Corporation is available for irrigation and certain matters ancillary thereto and connected therewith ;

It is hereby enacted in the Ninth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the West Bengal Irrigation (Imposition of water rate for Damodar Valley Corporation Water) Act, 1958.

Short title,
commence-
ment and
application.

(2) It shall come into ²force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

(3) It shall apply to so much of the limits of the Damodar Valley and of the area of operation of the Corporation as is situated in West Bengal.

2. In this Act, unless the context otherwise requires,—

Definitions.

(1) “the Act” means the Damodar Valley Corporation Act, 1948 ;

(2) “area of operation of the Corporation” has the same meaning as in sub-section (3) of section 11 of the Act ;

XIV of
1948.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 5th July, 1958, Part IVA, page 2492 : for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 19th, 21st, 22nd, 23rd, 24th, 26th and 31st July, 1958, the 1st August, 1958 and the 29th and 30th December, 1958 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meetings of that Council held on the 16th, 19th and 23rd December, 1958.

²The Act came into force with effect from the 23rd February, 1959. Vide notification No. 6—I, dated 19th February, 1959, published in the *Calcutta Gazette, Extraordinary* of 1959, Part I, page 365.

78 *The West Bengal Irrigation (Imposition of water rate for Damodar Valley Corporation Water) Act, 1958.*

[West Ben. Act

(Sections 3, 4.)

(3) "canal" means,—

- (i) any river or any stream, canal, distributary or other water-course and any reservoir, dam, weir, pond, pool or sheet of water, constructed, maintained, worked or improved by the Corporation or by the State Government or by any agency under arrangement with the Corporation or the State Government, in connection with the promotion and operation of any scheme for irrigation, water supply or drainage,
- (ii) any supply or escape channel, conduit, sluice, groin or other inlet into or outlet from a canal as defined in sub-clause (i),
- (iii) any land on the bank of a canal as defined in sub-clause (i) or sub-clause (ii), acquired by the State Government for the Corporation and which is permanently or occasionally covered by water,

but does not include any work for the removal of sewage :

- (4) "collector" includes any officer appointed by the State Government to perform any or all of the functions of a Collector under this Act ;
- (5) "the Corporation" means the Damodar Valley Corporation constituted under section 4 of the Act ;
- (6) "kharif season" means the part of the year from July to October ;
- (7) "limits of the Damodar Valley" has the same meaning as in sub-section (1) of section 11 of the Act ;
- 8) "rabi season" means the part of the year from November to March ;
- 9) "year" means a period of twelve months commencing with July.

Act to
override
other laws.

3. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in the Act or in any other law or contract for the time being in force.

Imposition
of water
rate.

4. (1) Whenever the State Government is of opinion that lands in any area in West Bengal within the limits of the Damodar Valley or within the area of operation of the Corporation are benefited or are likely to be benefited by irrigation during the *kharif* season or the *rabi* season by water supplied by the Corporation through canals, the State Government may, by

*The West Bengal Irrigation (Imposition of water rate 79
for Damodar Valley Corporation Water) Act, 1958.*

XXVI of 1958.]

(Section 5.)

notification, declare its intention to impose in such area a water rate, for the *kharif* season or the *rabi* season, at such rate not exceeding,—

- ✓ (a) Rs. 12.50 nP. per acre for the *kharif* season,
 - ✓ (b) Rs. 15.00 nP. per acre for the *rabi* season,
- as may be specified in the notification.

(2) On the publication of a notification under sub-section (1), any person interested in any land likely to be affected by the imposition of the water rate referred to in the notification may, within a period of one month from the date of publication of the notification, prefer objections to the State Government to the intended imposition of the water rate, or the rate at which the water rate is intended to be imposed or to the inclusion of such land in the area in respect of which the declaration has been made under sub-section (1).

(3) On the expiry of the period referred to in sub-section (2) for preferring objections, the State Government may, after considering the objections, if any, received by it during such period, by notification—

- (a) withdraw the declaration intending to impose a water rate, or
- (b) impose a water rate, in the area in respect of which the declaration under sub-section (1) was made or in any part thereof (hereinafter referred to as the notified area), not exceeding the rate specified in the notification under sub-section (1) :

Provided that such rate shall, in respect of any land for which water is obtained for irrigation by lift irrigation arrangement maintained and operated by the occupier thereof, be one-half of the rate specified in the notification.

5. Notwithstanding anything to the contrary contained in any other law for the time being in force or in any custom, usage or contract, the liability for payment of the water rate shall be on the occupiers of the lands included in the notified area :

Liability
for pay-
ment of
the water
rate.

West Ben.
Act X of
1956.

Provided that where any such land is cultivated by a *bargadar* as defined in clause (2) of section 2 of the West Bengal Land Reforms Act, 1955, the liability for payment of the water rate shall be on the owner of the land under whom the *bargadar* holds :

Provided further that when water rate is paid by the owner of any land cultivated by a *bargadar*, the owner shall be entitled to recover from the *bargadar* half of the amount paid by him as water rate.

80 *The West Bengal Irrigation (Imposition of water rate
for Damodar Valley Corporation Water) Act, 1958.*

[West Ben. Act

(Sections 6—8.)

Exemption.

6. If for any reason there is, in any season, a total or partial failure of crops in any land in the notified area, the State Government may, grant total or partial exemption from the water rate to the owner or occupier of such land as the case may be.

Assessment

7. (1) As soon as possible after the notification under sub-section (3) of section 4, imposing a water rate is published, the Collector shall make a preliminary assessment of the rate for the *kharif* season or for the *rabi* season in respect of all lands included in the notified area and shall cause notices of such preliminary assessment to be served on all persons liable to pay the water rate specifying therein the period within which objections to the assessment may be preferred.

(2) On the expiry of the period specified in the notice under sub-section (1), the Collector shall, after considering objections, if any, received by him during such period, make a final assessment of the rate for the *kharif* season or the *rabi* season which shall be payable annually so long as the notification under clause (b) of sub-section (3) of section 4 remains in force.

The Collector shall cause a notice of demand to be served on every person by whom the water rate is payable according to such assessment requiring him to pay the water rate for the year mentioned in the notice of demand for the *kharif* season or the *rabi* season, as the case may be, by such date as may be specified in the notice of demand not being earlier than one month after the service of such notice :

Provided that such notice of demand shall, if it cannot be served for any reason within the year to which the demand relates, be served as soon thereafter as possible.

(3) Every person who makes payment of water rate by the specified date shall be entitled to a rebate of five *per centum* of the amount of the water rate.

(4) Subject to the provisions of section 8, if any amount of the water rate due from any person is not paid by the date specified in the notice of demand, interest at such rate not exceeding six and a quarter *per cent. per annum* as the State Government may fix from time to time shall be payable thereon from the date of the default.

Appeal.

8. Any person may, within thirty days from the date of service on him of a notice of demand under sub-section (2) of section 7, appeal to such appellate authority as may be prescribed by rules made under this Act, either regarding his liability to pay the water rate or the amount assessed and the decision of the appellate authority in such appeal shall be final.

**The West Bengal Irrigation (Imposition of water rate 81
for Damodar Valley Corporation Water) Act, 1958.**

XXVI of 1958.]

(Sections 9, 10.)

9. (1) For the purpose of irrigation or drainage of lands in the notified area, the owners or occupiers of such lands shall be bound to afford free passage for water through or over all lands in their possession or under their control and for that purpose to allow, when so required by the Collector by order made in this behalf, the construction and maintenance of such channels as may be necessary, without causing unnecessary loss or damage to such lands.

Free
passage
of water
for irriga-
tion or
drainage to
be afforded
through or
over all
lands.

(2) If any person refuses to comply with an order under sub-section (1), the Collector may cause the channel to be constructed or maintained and may recover the costs thereof from such person as a public demand.

(3) Notwithstanding anything contained in any other law for the time being in force, no person shall be entitled to claim any compensation for any damage or loss which may be caused as a result of the construction or maintenance of any channel under sub-section (1) or sub-section (2).

10. (1) If any obstruction is put in any channel referred in section 9 or other canal or any cut is made on the bank thereof as a result of which the normal flow of water through such channel or canal is diverted for the purpose of irrigating any land, the Collector may—

Penalty for
diversion of
normal
flow of
canal water
by obstruc-
tion, etc.

(a) take such measures as he may consider necessary to remove such obstruction or to close such cut, and

(b) without prejudice to the provisions of section 7, impose a penalty, which may extend to ten times the water rate assessed for the *kharif* season or the *rabi* season, as the case may be, having regard to the time when the obstruction is put or the cut is made, on the persons assessed to water rate under section 7 who are the owners or occupiers of the lands irrigated by water so diverted, after giving them an opportunity of showing cause against the imposition of such penalty :

Provided that no such penalty shall be imposed on any person who proves to the satisfaction of the Collector that such obstruction was put or such cut was made without his knowledge or consent.

(2) Any penalty imposed under this section shall be recoverable as a public demand.

(3) Any person aggrieved by an order imposing a penalty on him under this section may within thirty days from the date of the order appeal to such appellate authority as may be prescribed by rules made under this Act and the decision of the appellate authority in such appeal shall be final.

82 *The West Bengal Irrigation (Imposition of water rate for Damodar Valley Corporation Water) Act, 1958.*

[West Ben. Act XXVI of 1958.]

(Sections 11—13.)

Arrears
of water
rate to
be recover-
able as
public
demands.

11. All arrears of water rate together with interest and costs, if any, shall be recoverable as public demands.

Proceeds
of water
rate to be
distributed
between
the State
Govern-
ment and
the Cor-
poration.

12. The proceeds of the water rate, after deduction of the expenses incurred by the State Government, for supply and distribution of water, including the costs of construction or maintenance of channels, and for assessment and realisation of the water rate shall, notwithstanding anything contained in the Act, be distributed between the State Government and the Corporation in such proportion as may be agreed upon.

Power to
make rules.

13. (1) The State Government may make ¹rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for—

- (a) the manner of publication of notifications issued under this Act,
- (b) the form and manner of service of notices and the procedure to be followed for considering objections under section 7, and
- (c) the appellate authority to whom appeals under section 8 shall lie, the fees, if any, payable on petitions of appeal and the procedure to be followed by the appellate authority.

¹For the West Bengal Irrigation (Imposition of Water Rate for Damodar Valley Corporation Water) Rules, 1959, made under sec. 13 of the Act, see notification No. 22—L., dated 6.8.59, published in the *Calcutta Gazette, Extraordinary*, of 1959, Part I, pages 3375-3379, as subsequently amended from time to time.

West Bengal Act XXVII of 1958¹

THE DURGAPUR (DEVELOPMENT AND CONTROL OF BUILDING OPERATIONS) ACT, 1958.

[30th April, 1959.]

An Act to provide for the planned development of, and the control of building operations in, Durgapur.

WHEREAS it is expedient in the public interest to provide for the planned development of, and the control of building operations in, Durgapur with a view to securing orderly development of the area and for certain other matters connected therewith ;

It is hereby enacted in the Tenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the Durgapur (Development and Control of Building Operations) Act, 1958.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the Durgapur area.

(3) It shall come into *force on such day as the State Government may, by notification, appoint.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(a) “amenity” includes roads, water supply, street lighting, drainage, sewerage, public parks, conservancy or any other convenience which the State Government may, by notification, specify to be an amenity for the purposes of this Act ;

(b) “building” means any structure or erection intended to be used for residential, commercial, industrial or other purposes, whether in actual use or not ;

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 10th December, 1958, Part IVA, page 5698 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 30th December, 1958 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 5th February, 1959.

²This Act came into force with effect from the 15th July, 1959. *Vide* notification No. 3796/DFA/9-3/59, dated the 6th July, 1959, published in the *Calcutta Gazette* of 1959, Part I, page 2453.

84 *The Durgapur (Development and Control of Building Operations) Act, 1958.*

[West Ben. Act

(Sections 3, 4.)

- (c) "development" means the carrying out of building, engineering, or other operations in, on, over or under land or the making of any material change in any building or land but does not include underground mining operations ;
- (d) "Durgapur" or "Durgapur area" means the area comprised within the police-stations of Kanksa, Faridpur and Ondal in the district of Burdwan and such other contiguous area, if any, as the State Government may from time to time by notification, specify and includes, for the purpose of section 9, any other land in West Bengal referred to in the said section ;
- (e) "notification" means a notification published in the *Official Gazette* ;
- (f) "prescribed" means prescribed by regulations made under this Act.

Constitu-
tion of
Durgapur
Develop-
ment
Authority.

3. The State Government shall, as soon as may be after the commencement of this Act, constitute, by notification, for the purposes of this Act an authority to be called the Durgapur Development Authority (hereinafter in this Act referred to as the Authority) consisting of as many members as the State Government may determine.

Power to
issue
directions.

4. (1) The State Government may, in consultation with the Authority, by notification issued in this behalf, give such directions as it may consider necessary in relation to Durgapur or any part thereof regarding any one or more of the following matters, namely :—

- (a) the division of any site into areas for the erection of buildings generally or buildings of any particular class or classes ;
- (b) the reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes ;
- (c) the development of any site into a township ;
- (d) the erection of buildings on any site and the amenities to be provided therein ;
- (e) the erection of shops, workshops, warehouses, factories, offices, industrial or commercial establishments or godowns on any site ; and
- (f) any other matter which is necessary for the planned development of such area, including the construction by the Authority of buildings with necessary amenities.

***The Durgapur (Development and Control of Building
Operations) Act, 1958.*** **85**

XXVII of 1958.]

(Sections 5—8.)

(2) If the State Government is satisfied that any person affected by any direction contained in any notification issued under sub-section (1) is unable to comply with it, the State Government shall, on an application by such person, acquire the land owned by him for the purposes of this Act and pay compensation therefor in accordance with the provision of any law for the time being in force.

5. No person shall undertake or carry out the development of any site or erect any building in any area in Durgapur in respect of which any directions have been given by a notification under section 4, except in accordance with such directions and with the previous permission in writing of the Authority.

Control of
develop-
ment and
building
operations.

6 (1) Every person seeking permission referred to in section 5, shall make an application in writing to the Authority in such form and containing such particulars as may be prescribed.

Appli-
cation for
permission.

(2) On receipt of such application the Authority, after making such enquiry as it considers necessary, shall, by order in writing, either grant the permission or refuse it, recording in the case of refusal the reasons therefor.

(3) Any person aggrieved by an order of the Authority under sub-section (2) refusing permission may, within thirty days from the date of the communication of such order to him, prefer an appeal to the State Government.

(4) No appeal shall lie against the order of the State Government.

7. Where any building is being or has been erected in contravention of the provisions of section 5, the Authority may, after giving the owner of such building an opportunity of being heard, make an order directing the demolition of the building by the owner within such period as may be specified in the order and, in default, the Authority may itself effect the demolition and the cost thereof shall be recoverable by the Authority from the owner of the building as a public demand.

Power to
demolish
building.

8. Where any building has been wholly or partially erected before this Act comes into force, which is not in conformity with the directions given by a notification under section 4 after this Act comes into force, the State Government may make an order directing that such building shall if possible be altered so as to conform to such directions or demolished by the owner thereof within such time as may be specified in the order, and on the failure of the owner

Power to
demolish
building
erected
before the
Act.

[West Ben. Act

(Sections 9, 10.)

to comply with the order, the State Government may cause the building to be demolished and the expenses thereof shall be recoverable from the owner as a public demand :

Provided that no such order shall be made unless the owner has been given a reasonable opportunity of being heard :

Provided further that when an order of demolition of any building is made under this section, there shall be paid to the owner of the building such compensation for the value of the building less the probable price of the materials removed by the owner as the State Government may determine by order made in this behalf.

Power to lay down gas pipes and payment of compensation for damage.

9. (1) The State Government may, by order made in this behalf, empower the Authority or any other person or officer to lay down, place, maintain, alter, remove or repair any pipes, pipe-lines, supply-lines, posts or other appliances or apparatus for the maintenance of supplies and services essential to the life of the community, including supplies of gas, water and electricity, in, on, under, over, along or across any land within Durgapur and also, in continuation of any pipes, pipe-lines, supply-lines, posts or other appliances or apparatus laid down, placed or maintained within Durgapur, in, on, under, over, along or across any other land in West Bengal.

(2) The Authority or such person or officer, as the case may be, may at any time enter upon such land for the purposes specified in sub-section (1).

(3) While exercising any power conferred upon the Authority or any other person or officer under sub-section (1), the Authority or such person or officer, as the case may be, shall cause as little damage as possible to property, and full compensation to all persons interested for any damage sustained by them in consequence of the exercise of such power as aforesaid shall be paid—

(i) in the case of exercise of those powers by the Authority or any person or officer under the employment of the Authority,—by the Authority, and

(ii) in the case of exercise of those powers by any person or officer not under the employment of the Authority,—by the State Government.

Reference to District Judge.

10. (1) If any dispute arises as to the amount of the compensation payable under the second proviso to section 8 or under sub-section (3) of section 9, or as to the person entitled to receive the same, or as to the apportionment of

***The Durgapur (Development and Control of Building
Operations) Act, 1958.***

XXVII of 1958.]

(Sections 11—13.)

such compensation among different claimants, the dispute shall be referred by the State Government or the Authority, as the case may be, to the District Judge having jurisdiction over the area in which the building or the land is situated and shall be decided by him.

(2) There shall be no appeal against the decision of the District Judge.

11. (1) Any person who undertakes or carries out the development of any site or erects any building in contravention of the provisions of section 5 shall, without prejudice to any action that may be taken under section 7, be punishable with fine which may extend to one thousand rupees.

Penalty,
jurisdiction
and
previous
sanction.

(2) Any person who, without lawful excuse, obstructs the Authority or person or officer, as the case may be, in the exercise of the powers conferred upon it or him, under sub-section (1) or sub-section (2) of section 9 shall be punishable with fine which may extend to five hundred rupees.

(3) No Court inferior to that of a magistrate of the first class shall try an offence punishable under this section.

(4) No prosecution for any offence punishable under this section shall be instituted except with the previous sanction of the State Government or an officer authorised by the State Government in this behalf.

12. Without prejudice to the provisions of sub-section (2) of section 4, if the State Government is satisfied that any land within Durgapur is needed for any public purpose, the State Government may, subject to payment of compensation for the land, acquire such land in accordance with the provisions of any law for the time being in force :

General
power to
acquire
land for
public
purpose.

Provided that in determining the amount of compensation payable for any such land the following principles shall be taken into consideration,—

(i) the value of the land shall not in any case, exceed its market-value as on the 1st day of January, 1955, and

(ii) no such sum as is referred to in sub-section (2) of section 23 of the Land Acquisition Act, 1894 shall be included in the compensation.

1 of 1894.

13. (1) The Authority may with the previous approval of the State Government, by notification, make ¹regulations to carry out the purposes of this Act.

Power to
make
regula-
tions.

¹For the Durgapur (Development and Control of Building Operations) Regulations, 1960, see notification No. 8424/DPA/9-2/60, dated the 10th October, 1960, published in the *Calcutta Gazette* of 1960, Part I, pages 3905-3909.

[West Ben. Act XXVII of 1958.]

(Section 13.)

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :—

- (a) the calling and holding of meetings of the Authority, the time and place of such meetings, the procedure to be followed by the Authority, the conduct of the business to be transacted by the Authority and the number of the members necessary to form a quorum ;
- (b) the principles in accordance with which permission referred to in section 5 may be granted ;
- (c) the form of application and the particulars referred to in sub-section (1) of section 6.

West Bengal Act I of 1959¹

THE WEST BENGAL CATTLE LICENSING ACT, 1959.

[20th March, 1959.]

An Act to regulate the keeping of cattle in urban areas.

WHEREAS it is expedient in the interest of public health and sanitation to regulate the keeping of cattle in urban areas and for that purpose to provide for the licensing of cattle ;

It is hereby enacted in the Tenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

- 1 (1) This Act may be called the West Bengal Cattle Cattle Licensing Act, 1959 (hereinafter referred to as the said Act), the following proviso shall be added:— *W. B. Act XL of 1959*
- 2 To sub-section (2) of section 1 of the West Bengal Cattle Licensing Act, 1959 (hereinafter referred to as the said Act), the following proviso shall be added:— *W. B. Act XL of 1959*
- “Provided that the State Government may, by notification in the *Official Gazette*, extend the provisions of this Act to such other area as it may specify in this behalf, and with effect from the date of such notification this Act shall come into force in that area.”
- Short title and commencement.
- areas and with effect may, by different dates
- pugnant in the
- Definitions.

- (a) “Appellate Authority” means an Appellate Authority appointed by notification for any urban area or part thereof in which this Act has come into force ;
- (b) “cattle” means any animal of the bovine species and includes buffaloes ;
- (c) “family” means a set of parents, children, servants and other relations living together in the same mess ;
- (d) “householder” means a person who occupies any premises as his own dwelling ;

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 9th July, 1958, Part IVA, page 2533 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 4th and 5th February, 1959, and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 24th February, 1959.

²This Act came into force with effect from the 15th July, 1960 in Calcutta (Wards 3, 4, 5, 62, 63 and 64). Vide notification No. 3406 Milk, dated 25th June, 1960, published in the *Calcutta Gazette*, of 1960, Part I, page 2358.

This Act came into force also in ward No. 71 of Calcutta with effect from the 15th April, 1962. Vide notification No. 2260 Milk, dated 2.4.62, published in the *Calcutta Gazette* of 1962, Part I, page 1164.

This Act came into force also with effect from the 1st November, 1963 in areas in Calcutta included within Ward Nos. 1, 2, 10, 14, 15, 16, 32-36, 47-49, 55-61, 65-70, 72-75, 77 and 78. Vide notification No. 6895-Milk, dated the 14th October, 1963, published in the *Calcutta Gazette* of 1963, Part I, page 2371.

³For notification relating to the appointment of the Director, Dairy Development and Animal Husbandry and *Ex-officio* Milk Commissioner, West Bengal, as the appellate authority for the purposes of the Act, see notification No. 6249 Milk, dated 5th November, 1960, published in the *Calcutta Gazette* of 1960, Part I, page 3605.

(Sections 3—5.)

(e) "license" means a license issued under this Act ;

(f) "Licensing Authority" means a Licensing Authority¹ appointed by notification for any urban area or part thereof in which this Act has come into force ;

(g) "notification" means a notification published by the State Government in the *Official Gazette* ;

(h) "prescribed" means prescribed by rules made by the State Government under this Act ;

(i) "urban area" means—

(i) the area within Calcutta as defined in the Calcutta Municipal Act, 1951, or any part or parts of such area, or

(ii) the area within any municipality as defined in the Bengal Municipal Act, 1932, or within Chandernagore as defined in the Chandernagore Municipal Act, 1955, or any part or parts of such area, or

(iii) any area which the State Government in view of its development and growing population declares to be an urban area.

3. After the expiry of a period of six months from the date on which this Act comes into force in any urban area no person shall keep any cattle in such area except under a valid license.

cattle not
to be kept
in certain
areas
without
license.
Two
classes of
licenses.

4. (1) There shall be two classes of licenses, namely :—

(a) a license granted to a householder in respect of cattle kept in his own premises primarily for the consumption of the milk by himself or by members of his family and for the sale of surplus, if any, not exceeding five seers on any one day ;

(b) a license granted to any person in respect of cattle kept in any premises or place for any purpose save as mentioned in clause (a) above.

(2) Licenses referred to in clauses (a) and (b) of sub-section (1) shall be called respectively Class A and Class B licenses.

Issue of
license.

5. (1) Any person intending to have a Class A or a Class B license shall apply to the Licensing Authority in the prescribed manner and the licensing authority may thereafter grant a license under this Act or may, after recording reasons therefor, refuse the application for a license.

¹For notification relating to appointment of the Deputy Milk Commissioner, West Bengal (1), as the Licensing Authority for the whole of the urban areas mentioned in notification No. 8406 milk, dated the 25th June, 1960, see, notification No. 6282 Milk, dated 31st August, 1961, published in the *Calcutta Gazette* of 1962, Part I, page 1036.

I of 1959.]

(Sections 6—9.)

(2) Every license shall be valid for such period as may be prescribed and may be renewed on application in the prescribed manner to the Licensing Authority.

(3) Every license shall mention the address of the premises or place where the cattle are to be kept and the maximum number and the description of cattle which may be kept under the license ; such address, number or description may be varied on application made in the prescribed manner to the Licensing Authority.

(4) The nature and type of shed to be provided for keeping cattle under a license shall be such as may be prescribed and no license shall be granted unless the Licensing Authority is satisfied that a shed as prescribed has been provided.

(5) Every license shall be subject to such conditions as may be prescribed and the conditions shall be stated in the license.

6. Where the Licensing Authority has reason to believe that a person to whom a license has been granted has violated or failed to comply with the conditions for the license or any provisions of this Act or the rules made thereunder, he may, after affording in the prescribed manner an opportunity to the licensee to show cause, cancel the license or refuse to renew it.

Cancellation of license in certain cases.

7. (1) Any person aggrieved by an order of a Licensing Authority, refusing his application for license, or cancelling his license or refusing to renew his license or by an order relating to any change of address or description or variation in number under sub-section (3) of section 5 may, within 30 days of the date of service of such order, prefer an appeal against such order to the Appellate Authority in the prescribed manner.

Appeal.

(2) The Appellate Authority shall deal with the appeal in the prescribed manner and shall pass such order as it deems fit.

8. No order made by, and no proceedings before, a Licensing Authority or an Appellate Authority shall be called in question in any Civil or Criminal Court.

Orders and proceedings of Licensing and Appellate Authorities not to be questioned.

9. (1) Notwithstanding anything contained in the foregoing sections, the State Government may, at any time after the date on which this Act has come into force in any area,

Prohibited areas.

[West Ben. Act

(Sections 10—12.)

declare, by notification, such area or any part thereof as a prohibited area if it thinks fit so to do in the public interest.

(2) No Class B license shall be issued in respect of any premises or place within a prohibited area and any such license already issued or in force in respect of any premises or place in such area shall stand cancelled on the expiry of six months from the date of the issue of the notification under sub-section (1) or of the remaining period of license whichever is earlier.

Power to
enter or
inspect
premises
or place.

10. The Licensing Authority or any officer of the State Government authorized by him by an order in writing in this behalf or any police officer of and above the rank of a Sub-Inspector shall have power to enter or inspect at any time between sunrise and sunset, any premises or place situate in any area in which this Act has come into force,—

(i) in order to view any cattle, or the arrangements for keeping cattle, in respect of which an application for a license has been made or a license has been issued ; or

(ii) in order to ascertain if any cattle are being kept in violation of the conditions of a license or the provisions of this Act or the rules made thereunder, if he has reason to believe that cattle are being so kept.

Seizure.

11. (1) Where a police officer, of or above the rank of a Sub-Inspector, has reason to believe that an offence under this Act has been committed in respect of any cattle, he may seize such cattle.

(2) On such seizure the police officer shall arrange for the custody and the maintenance of the cattle in the prescribed manner and forthwith submit a report of the seizure and a complaint in writing against the person who appears to have committed the offence to a Magistrate having jurisdiction over the area.

(3) Upon receipt of such report and after such inquiries, if any, that the Magistrate thinks fit, the Magistrate shall either order the cattle to be released or pass such orders as he thinks fit for the interim custody and maintenance of the cattle, until the complaint is disposed of.

Penalties.

12. (1) Any person, who—

(i) contravenes the provisions of section 3, or

(ii) being the holder of Class A license sells milk in excess of five seers on any one day, or

I of 1959.]

(Sections 13, 14.)

92-93-
section
!) in su
(a) in

(iii) keeps cattle in any premises or place different from that mentioned in the license, or

(iv) keeps cattle in excess of the maximum number or different in description from that stated in the license, or

(v) violates or fails to observe the conditions referred to in sub-section (5) of section 5,

3-sec.

shall be punishable with imprisonment for a term which may extend to six months or with fine not exceeding one thousand rupees or with both.

le under

(2) Every offence under this Act shall be cognizable and bailable.

d within
e of an
section,

(3) Where a person is convicted of any offence under this section the Court may direct that the cattle in respect of which the offence is committed shall be forfeited to Government.

-section

(4) The Court may also in any case where cattle have been seized under section 11, direct that the owner thereof shall pay the cost of seizure and of transport of the cattle, and the expenses for their custody and maintenance and the sum directed to be so paid shall be realised as if it were a fine.

ence is

165,

13 (1) The State Government may make ¹rules for carrying out the purposes of this Act.

Rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the form of applications for licenses, for renewal of licenses or variations of the address, number and description in the licenses ;

(b) the fees to be paid for the grant of licenses, the renewal of licenses or variations of the address, number and description in the licenses ;

(c) the forms of licenses ;

(d) the procedure to be followed by the Licensing Authority ;

(e) any matter which may be or is required to be prescribed under this Act.

14. The State Government may, by written order, exempt any institution, authority or person from the operation of this Act on such conditions as it may think fit, in respect of the keeping of such number and description of cattle as may be specified, for a scientific, educational or public purpose, if in its opinion, it is necessary so to do in the public interest.

Power to
exempt.

¹For the West Bengal Cattle Licensing Rules, 1960, made under sec. 13 of the Act, see notification No. 2299 Milk, dated 11th May, 1960, published in the Calcutta Gazette, Extraordinary of 1960, Part I, pages 1409-1420.

[West Ben. Act I of 1959.]*(Sections 15, 16.)*

Indemnity.

15. No suit or proceeding shall lie against the State Government and no suit, proceeding or prosecution shall lie against any officer of the State Government for anything in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder.

Act to
override
other
enactments.

16. (1) The provisions of this Act shall have effect notwithstanding anything to the contrary in any other Act.

(2) Subject to the provisions of sub-section (1), the provisions of this Act shall be in addition to, and not in derogation of, the provision of, the Calcutta Municipal Act, 1951, the Bengal Municipal Act, 1932, and the Chandernagore Municipal Act, 1955.

West Bengal Act II of 1959¹

THE WEST BENGAL CLOSING OF CANALS ACT, 1959.

[20th March, 1959.]

An Act to provide for the closing and filling up of the Circular Canal and the New Cut Canal.

WHEREAS it is expedient in the public interest to close and fill up the Circular Canal and the New Cut Canal for the promotion of public health in the city of Calcutta and in the neighbouring areas ;

It is hereby enacted in the Tenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

- | | |
|--|--------------------------------|
| 1. (1) This Act may be called the West Bengal Closing of Canals Act, 1959. | Short title and commonen-ment. |
| (2) It shall come into ^a force on such date as the State Government may, by notification in the <i>Official Gazette</i> , appoint. | |
| 2. In this Act, unless there is anything repugnant in the subject or context,— | Definitions. |
| (a) “canal” means the Circular Canal or the New Cut Canal ; | |
| (b) “Circular Canal” means the still-water locked canal commencing from its junction with the river Hooghly across the Chitpur Lock in the eastern water-line of the Hooghly and terminating at its junction with the New Cut Canal near Dhapa, together with the whole of the canal more or less 1,328 feet in length, commonly known as the ‘Orange Soorah’, and includes all lands on the banks of the canal which have been acquired by the State Government for the purposes of the canal ; and | |
| (c) “New Cut Canal” means the line of navigation which takes off from the Circular Canal at Ultadanga and terminates at its outfall into the Central Lake Channel near the Dhapa Lock, and includes all lands on the banks of the canal which have been acquired by the State Government for the purposes of the canal. | |

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 12th July, 1959, Part IVA, page 2546 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 5th February, 1959 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 24th February, 1959.

²This Act came into force with effect from the 1.1.63. Vide notification No. 29-I dated the 30th November, 1962, published in the *Calcutta Gazette* of 30.12.62, Part I, page 3889.

[West Ben. Act II of 1959.]

(Sections 3—5.)

Closing and
filling up
of canals
and closing
of canal
side roads
to traffic.

3. (1) Notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage having the force of law, it shall be lawful for the State Government, at any time after the expiry of one month from the date of commencement of this Act, by order published in the *Official Gazette*, from time to time, to direct that—

(a) any canal or part thereof be permanently closed and be filled up by such agency as the State Government may think fit to employ, and

(b) the roads by the side of such canal or part, which are the property of the State Government, be closed to traffic either permanently or temporarily :

Provided that before closing any road the State Government shall make such arrangements as it considers necessary, for communication in the area served by such road.

(2) When, in pursuance of the provisions of sub-section (1), any canal or part thereof is closed and filled up or any canal side road is closed to traffic, the State Government may deal with the space covered by such filled up canal or part thereof or by such road, in such manner as it may consider fit.

No com-
pensation
for damage.

4. No suit or other legal proceeding shall lie against the State Government in respect of any injury or damage caused by, or resulting from stoppage of navigation in the canals or of use of the canal side roads, or any act done under this Act.

Indemnity.

5. No suit, prosecution or other legal proceeding shall lie against the State Government or any officer of the State Government or other person in respect of any act which is in good faith done or intended to be done under this Act.

West Bengal Act III of 1959¹.

THE WEST BENGAL APPROPRIATION ACT, 1959.

[30th March, 1959.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal for the service of the year ending on the the thirty-first day of March, 1960.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal for the service of the year ending on the thirty-first day of March, 1960 ;

It is hereby enacted in the Tenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the West Bengal Appropriation Act, 1959. Short title.

2. From and out of the Consolidated Fund of West Bengal, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees one hundred and forty-one crores, seventy-two lakhs, twenty-nine thousand and one towards defraying the several charges which will come in course of payment duuring the year ending on the thirty-first day of March, 1960, in respect of the services specified in column 2 of the Schedule. Issue of
Rupees
1. 41, 72,
29,001 out
of the Con-
solidated
Fund of
West
Bengal for
the year
1959-60.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1960. Appropriation.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 12th March, 1959, Part IVA, page 529 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 13th March, 1959 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 16th March, 1959.

(Schedule.)

SCHEDULE.

(See sections 2 and 3.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	A—Direct Demand on the Revenue.			
1	4—Taxes on Income other than Corporation Tax and Estate Duty.	5,99,000	2 000	6,01,000
	7—Land Revenue			
2	AA—Principal Revenue Heads—Forest and other Capital Accounts outside the Revenue Account.	6,14,27,000	...	6,14,27,000
	65—Payment of Compensation to Land Holders, etc., on the abolition of the Zamindari System.			
	Total—Grant No. 2 ...	6,14,27,000	...	6,14,27,000
	A—Direct Demand on the Revenue.			
3	8—State Excise Duties	44,10,000	...	44,10,000
4	9—Stamps	10,48,000	...	10,48,000
5	10—Forest	1,07,16,000	...	1,07,16,000
6	11—Registration	22,99,000	...	22,99,000
7	12—Taxes on Vehicles ... ..	...	4,50,000	4,50,000
8	12A—Sales Tax	26,19,000	...	26,19,000
9	13—Other Taxes and Duties	11,20,000	...	11,20,000

III of 1959.]

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	C—Revenue Account of Irrigation, Navigation, Embankment and Drainage Works.			
10	17—Interest on Irrigation Works (Commercial).	...	22,85,000	22,85,000
	XVII—Irrigation—Working Expenses			
	18—Other Revenue expenditure financed from Ordinary Revenues.			
	H—Civil Works and Miscellaneous Public Improvements.			
	51A—Interest on Capital Outlay on Multipurpose River Schemes.			
	51B—Other Revenue expenditure connected with Multipurpose River Schemes.			
11	CC—Capital Account of Irrigation, Navigation, Embankment and Drainage Works outside the Revenue Account.	5,68,34,000	76,69,000	6,45,03,000
	68—Construction of Irrigation, Navigation, Embankment and Drainage Works (Commercial).			
	68A—Construction of Irrigation, Navigation, Embankment and Drainage Works (Non-commercial).			
	HH—Capital Account of Civil Works and Miscellaneous Public Improvements outside the Revenue Account.			
	80A—Capital Outlay on Multipurpose River Schemes outside the Revenue Account.			
	Total Grant No. 11 ...	5,68,34,000	76,69,000	6,45,03,000

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	E—Debt Services.			
12	22—Interest on Debt and other obligations	1,000	3,42,30,000	3,42,31,000
13	23—Appropriation for Reduction or Avoidance of Debt.	...	2,08,04,000	2,08,04,000
	F—Civil Administration.			
14	25—General Administration ...	3,22,98,000	11,70,000	3,34,68,000
15	27—Administration of Justice ...	90,11,000	50,55,000	1,20,66,000
16	28—Jails ...	1,03,02,000	...	1,03,02,000
17	29—Police ...	7,93,72,000	...	7,93,72,000
18	30—Ports and Pilotage ...	11,07,000	...	11,07,000
19	36—Scientific Departments ...	74,000	...	74,000
20	37—Education ...	13,47,95,000	...	13,47,95,000
21	38—Medical ...	5,84,49,000	5,000	5,84,54,000
22	39—Public Health ...	2,67,46,000	...	2,67,46,000
23	40—Agriculture—Agriculture ...	5,10,81,000	...	5,10,81,000
	FF—Civil Administration—Capital Account outside the Revenue Account.			
	71—Capital Outlay on schemes of Agricultural Improvement and Research outside the Revenue Account.			
	Total—Grant No. 23 ...	5,10,81,000	...	5,10,81,000
	F—Civil Administration.			
24	40—Agriculture—Fisheries ...	25,47,000	...	25,47,000
25	41—Animal Husbandry ...	46,50,000	...	46,50,000
26	42—Co-operation ...	1,39,27,000	...	1,39,27,000

[III of 1959.]

(Schedule.)

1	2	3		
		Sums not exceeding		
Grant No.	Services and purposes.	Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
27	43—Industries—Industries ...			
	H—Civil Works and Miscellaneous Public Improvements.			
	52A—Other Revenue expenditure connected with Electricity Schemes.			
	XLI—Receipts from Electricity Schemes—Working expenses.			
	HH—Capital Account of Civil Works and Miscellaneous Public Improvements within the Revenue Account.			
	53—Capital Outlay on Electricity Schemes met out of Revenue.	3,38,95,000	...	3,38,95,000
	FF—Civil Administration—Capital Account outside the Revenue Account.			
	72—Capital outlay on Industrial Development outside the Revenue Account.			
	HH—Capital Account of Civil Works and Miscellaneous Public Improvements outside the Revenue Account.			
	81A—Capital Outlay on Electricity Schemes outside the Revenue Account.			
	Total—Grant No. 27 ...	3,38,95,000	...	3,38,95,000
28	F—Civil Administration.			
	43—Industries—Cottage Industries ...			
	FF—Civil Administration—Capital Account outside the Revenue Account.	1,34,15,000.	...	1,34,15,000
	72—Capital outlay on Industrial Development outside the Revenue Account—Cottage Industries.			
	Total—Grant No. 28 ...	1,34,15,000	...	1,34,15,000

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	F—Civil Administration.			
29	43—Industries—Cinchona	34,46,000	...	34,46,000
30	47—Miscellaneous Departments—Fire Services.	35,59,000	...	35,59,000
31	47—Miscellaneous Departments—Excluding Fire Services.	1,48,82,000	...	1,48,82,000
	H—Civil Works and Miscellaneous Public Improvements.			
32	50—Civil Works	4,36,37,000	12,47,000	4,48,84,000
	J—Miscellaneous.			
33	54—Famine	3,84,09,000	...	3,84,09,000
34	54B—Privy purses and allowances of Indian Rulers.	1,44,000	...	1,44,000
	55—Superannuation allowances and pensions	1,44,72,000	2 25,000	1,46,97,000
	JJ—Miscellaneous Capital Account within the Revenue Account.			
35	55A—Commutation of pensions financed from Ordinary Revenues.			
	JJ—Miscellaneous Capital Account outside the Revenue Account.			
	83—Payments of commuted value of pensions.			
	Total—Grant No. 35 ...	1,44,72,000	2 25,000	1,46,97,000
	J—Miscellaneous.			
36	56—Stationery and Printing	72,32,000	...	72,32,000
37	57—Miscellaneous—Contributions ...	1,64,06,000	10,00,000	1,74,06,000

III of 1959.]

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
38	(57—Miscellaneous—Other Miscellaneous Expenditure.			
	JJ— Miscellaneous Capital Account outside the Revenue Account.	8,74,12,000	1,000	8,74,13,000
	(82—Capital Account of other State Works outside the Revenue Account.			
	Total—Grant No. 38 ...	8,74,12,000	1,000	8,74,13,000
	E—Debt Services.			
39	(22—Interest on Debt and other obligations—Expenditure on displaced persons.			
	J—Miscellaneous.			
	57—Miscellaneous—Expenditure on displaced persons.			
	JJ—Miscellaneous Capital Account outside the Revenue Account.	6,12,33,000	14,51,000	6,26,84,000
	82—Capital Account of other State Works outside the Revenue Account—Expenditure on displaced persons. ...			
	Public Debt.			
	Loans for displaced persons ...			
	Loans and Advances by State Government.			
39	(Loans and Advances to displaced persons			
	Total—Grant No. 39 ...	6,12,33,000	14,51,000	6,26,84,000

(Schedule.)

1 Grant No.	2 Services and purposes.	3 Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	E—Debt Services.			
	22—Interest on Debt and other obligations— Community Development Projects.			
	M—Extraordinary Items.			
	63B—Community Development Projects, National Extension Service and Local Development Works.			
	JJ—Miscellaneous Capital Account outside the Revenue Account.			
40	82—Capital Account of other State Works outside the Revenue Account— Community Development Projects.	2,74,81,000	26,05,000	3,00,86,000
	Public Debt.			
	Loans for Community Development Pro- jects.			
	Loans and Advances by State Govern- ment.			
	Loans and Advances under Community De- velopment Projects.			
	Total—Grant No. 40 ...	2,74,81,000	26,05,000	3,00,86,000
	M—Extraordinary Items.			
41	63—Extraordinary charges in India	2,61,42,000	...	2,61,42,000
42	64C—Pre-Partition Payments ...	8,00,000	...	8 00,000
	HH—Capital Account of Civil Works and Miscellaneous Public Improvements outside the Revenue Account.			
43	80A—Capital Outlay on Multipurpose River Schemes outside the Revenue Account— Damodar Valley Project.	6,90,04,000	...	6,90,04,000
44	81—Capital Account of Civil Works outside the Revenue Account.	7,91 55,000	1,45,000	7,93,00,000

III of 1959.)

(Schedule).

1	2	3		
		Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	J—Miscellaneous.			
	XLVIA—Receipts from Road and Water Transport Schemes—Working expenses.			
45	JJ—Miscellaneous Capital Account outside the Revenue Account.	3,79,55,000	22,20,000	4,01,75,000
	82B—Capital Outlay on Road and Water Transport Schemes outside the Revenue Account.			
	Total—Grant No. 45 ...	3,79,55,000	22,20,000	4,01,75,000
46	85A—Capital Outlay on State Schemes of Government Trading.	1	...	1
	Public Debt.			
	Floating Debt ...			
47	Loans from Union Government (excluding Loans for displaced persons and Commu- nity Development Projects).		14,65,04,000	14,65,04,000
	Other Loans ...			
	Total—Grant No. 47 ...	...	14,65,04,000	14,65,04,000
	Loans and Advances by State Government.			
48	Loans and Advances by State Government ...	4,80,47,000	...	4,80,47,000
	Grand Total ...	1,19,21,61,001	22,50,68,000	1,41,72,29,001

West Bengal Act IV of 1959¹.

THE WEST BENGAL APPROPRIATION (No. 2) ACT, 1959.

[30th March, 1959.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal for the service of the year ending on the thirty-first day of March, 1959.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal for the service of the year ending on the thirty-first day of March, 1959.

It is hereby enacted in the Tenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the West Bengal Appropriation (No. 2) Act, 1959. Short title.

2. From and out of the Consolidated Fund of West Bengal there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees thirteen crores, fifty-five lakhs, eighty-six thousand and eight hundred and sixty-eight towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1959, in respect of the services and purposes specified in column 2 of the Schedule. Issue of
Rupees
13,55,86,868
out of the
Consolidated Fund
of West
Bengal for
the year
1958-59.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1959. Appropriation.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 17th March, 1959, Part IVA, page 546; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 19th March, 1959; and for proceeding of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 20th March, 1959.

(Schedule.)

SCHEDULE.

(See sections 2 and 3.)

1	2	3		
		Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
Grant No.	Services and purposes.			
		Rs.	Rs.	Rs.
1	4—Taxes on Income other than Corporation Tax and Estate Duty.	12,100	900	13,000
3	8—State Excise Duties	1,08,000	...	1,08,000
4	9—Stamps	1,72,000	...	1,72,000
5	10—Forest	4,59,000	...	4,59,000
6	11—Registration	1,28,000	...	1,28,000
10	17—Interest on Irrigation Works (Commercial).	...	20,000	20,000
	18—Other Revenue Expenditure financed from Ordinary Revenues.	12,15,000	...	12,15,000
	51A—Interest on Capital Outlay on Multipurpose River Schemes.	...	2,18,000	2,18,000
11	51B—Other Revenue Expenditure connected with Multipurpose River Schemes.	34,000	...	34,000
	80A—Capital Outlay on Multipurpose River Schemes outside the Revenue Account.	1,03,13,000	...	1,03,13,000
	Total—Grant No. 11	1,15,62,000	2,18,000	1,17,80,000
14	25—General Administration	6,54,000	11,000	6,65,000
15	27—Administration of Justice	2,27,000	4,000	2,31,000
16	28—Jails and Convict Settlements	13,96,000	...	13,96,000
17	29—Police	3,99,000	19,000	4,18,000

IV of 1959.]

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
18	30—Ports and Pilotage ...	1,57,000	...	1,57,000
19	36—Scientific Departments ...	1,000	...	1,000
20	37—Education ...	35,53,000	...	35,53,000
21	38—Medical ...	6,39,000	568	6,39,568
23	40—Agriculture—Agriculture ...	...	9,000	9,000
26	42—Co-operation ...	59,36,000	...	59,36,000
29	43—Industries—Cinchona ...	4,66,000	...	4,66,000
30	47—Miscellaneous Departments— Fire Services.	4,54,300	...	4,54,300
31	47—Miscellaneous Departments—Excluding Fire Services.	22,32,000	...	22,32,000
32	50—Civil Works ...	16,23,700	94,500	17,18,200
33	54—Famine ...	5,38,20,000	...	5,38,20,000
36	56—Stationery and Printing ...	2,94,000	...	2,94,000
37	57—Miscellaneous—Contributions ...	73,28,000	43,900	73,73,900
38	57—Miscellaneous—Other Miscellaneous Expenditure.	3,50,900	...	3,50,900
	82—Capital Account of Other State Works outside the Revenue Account.	1,23,86,000	...	1,23,86,000
Total—Grant No. 38 ...		1,27,36,900	...	1,27,36,900

(Schedule.)

1	2	3		
Grant- No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
39.	22—Interest on Debt and other obligations—Expenditure on displaced persons.	...	1,00,000	1,00,000
40	Loans and Advances by State Government—Loans and Advances under Community Development Project.	6,00,000	...	6,00,000
41	63—Extraordinary Charges in India.	...	17,000	17,000
44	81—Capital Account of Civil Works Outside the Revenue Account.	...	11,000	11,000
45	XLVIA—Receipts from the Road and Water Transport Schemes—Working Expenses.	17,25,000	...	17,25,000
	82B—Capital Outlay on Road and Water Transport Schemes outside the Revenue Account.	8,55,000	...	8,55,000
	Total—Grant No. 45 ...	25,80,000	...	25,80,000
46	85A—Capital Outlay on State Schemes of Government Trading.	...	18,000	18,000
48	Loans and Advances by State Government.	2,74,80,000	...	2,74,80,000
	Grand Total ...	13,50,18,000	5,65,868	13,55,86,868

West Bengal Act XI of 1959¹

THE INDUSTRIAL DISPUTES (WEST BENGAL AMENDMENT) ACT, 1959.

[27th October, 1959.]

An Act to amend the Industrial Disputes Act, 1947, in its application to West Bengal.

XIV of
1947.

WHEREAS it is expedient to amend the Industrial Disputes Act, 1947, in its application to West Bengal, for the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Tenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the Industrial Disputes (West Bengal Amendment) Act, 1959. Short title.

2. The Industrial Disputes Act, 1947 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be amended for the purpose and in the manner hereinafter provided. Applica-
tion of the
Act.

3. To clause (b) of section 7C of the said Act, the following proviso shall be added, namely :— Amend-
ment of
section 7C
of Act XIV
of 1947.

“Provided that where such presiding officer of a Tribunal appointed by the State Government attains the age of sixty-five years before completion of any proceedings pending before him, the State Government may, if in the opinion of such Government public interest so requires, order his continuance in office for a period not exceeding six months for completion of the proceedings”.

West Ben.
Ord. I of
1959.

4. (1) The Industrial Disputes (West Bengal Amendment) Ordinance, 1959, is hereby repealed. Repeal and
savings

(2) Anything done or any action taken under the said Act as amended in its application to West Bengal by the Industrial Disputes (West Bengal Amendment) Ordinance, 1959, shall be deemed to have been done or taken under the said Act as amended in its application to West Bengal by this Act, as if this Act had commenced on the 27th day of April, 1959.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 14th July, 1959, Part IVA, page 1438 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 22nd September, 1959 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 25th September, 1959.

West Bengal Act XIV of 1959¹

THE WEST BENGAL KHADI AND VILLAGE INDUSTRIES BOARD ACT, 1959.

[29th October, 1959.]

An Act to provide for the establishment of a Board for the organisation, development and regulation of khadi industries and village industries in the State of West Bengal and certain matters connected therewith.

WHEREAS it is expedient to provide for the establishment of a Board for the organisation, development and regulation of *khadi* industries and village industries in the State of West Bengal and certain matters connected therewith ;

It is hereby enacted in the Tenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the West Bengal *Khadi* and Village Industries Board Act, 1959.

(2) It extends to the whole of West Bengal.

(3) It shall come into ²force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act unless there is anything repugnant in the subject or context,—

(a) “the Board” means the West Bengal *Khadi* and Village Industries Board established under section 3 ;

(b) “*khadi*” means any cloth, woven on handlooms in India from cotton, silk or woollen yarn hand-spun in India or from a mixture of any two or all of such yarns ;

(c) “prescribed” means prescribed by rules made under this Act ;

(d) “village industries” means the industries specified in the Schedule and includes such other industries as the State Government may, from time to time, by notification in the *Official Gazette*, specify³ in this behalf in consultation with the Board.

Short title,
extent and
commence-
ment.

Definitions.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 7th July, 1958, Part IVA, page 2524 ; for the Report of the Joint Committee on the Bill, see the *Calcutta Gazette, Extraordinary* of the 25th September, 1959, Part IVA, pages 1975-1986 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 5th February, 1959 and the 29th September, 1959 ; and for proceedings of West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 5th October, 1959.

²The Act came into force, with effect from the 1st April, 1960. Vide notification No. 4856 Cot./1C-95/59, dated the 10th November, 1959, published in the *Calcutta Gazette* of 1959, Part I, page 4058.

³For notification specifying the cane and bamboo industry for the purpose of clause (d) of sec. 2 of the Act, see notification No. 2853 Cot./7P-47/61, dated the 27th April, 1962, published in the *Calcutta Gazette* of 1962, Part I, page 1477.

[West Ben. Act

(Sections 3—7.)

Establishment of the Board.

3. (1) As soon as may be, after the commencement of this Act, a Board, to be called the West Bengal *Khadi* and Village Industries Board, shall be established by the State Government for the purposes of this Act.

(2) The Board shall be a body corporate having perpetual succession and a common seal and may, by the said name, sue and be sued.

Constitution of the Board.

4. (1) The Board shall consist of such number of members not exceeding fifteen, as the State Government may, by notification in the *Official Gazette*, appoint, of whom—

- (a) one shall be the Development Commissioner, Government of West Bengal, or his nominee ;
- (b) not more than five shall be persons actively engaged for not less than five years in the work of *khadi* organisations recognised by the *Khadi* and Village Industries Commission ; and
- (c) not more than five shall be persons having practical experience of or actively engaged in any village industry.

(2) One of the members of the Board shall be appointed by the State Government as the Chairman of the Board and the names of the Chairman and other members of the Board shall, as soon as may be after appointment, be published in the *Official Gazette*.

(3) The State Government shall, after consultation with the Board, appoint a member of the Board other than the Chairman to be the Secretary of the Board.

Executive Officer of the Board.

5. The State Government shall in consultation with the Board appoint a person not being a member of the Board to be the Executive Officer of the Board.

Term of office and conditions of office.

6. (1) The terms and conditions of office of the Chairman, the Secretary and the other members, and of the Executive Officer, of the Board shall be such as may be prescribed :

Provided that the members of the Board including the Chairman and the Secretary shall be eligible for reappointment.

(2) The non-official members of the Board shall be paid such allowances from the funds of the Board as may be prescribed.

Resignation.

7. The Chairman or any other member of the Board may resign his office by giving notice in writing to the State Government and shall, on such resignation being notified in the *Official Gazette* by the State Government, be deemed to have vacated his office on and from the date on which the resignation is so notified.

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Act, 1959.*

XIV of 1959.]

(Sections 8—10.)

8. (1) Casual vacancies among the members of the Board shall be filled up by the State Government by appointment of new members :

Casual vacancies and savings as to proceedings of the Board.

Provided that where a casual vacancy arises among the members belonging to the class referred to in clause (b) or clause (c) of sub-section (1) of section 4, the new member to be appointed shall belong to that class.

(2) No act or proceeding of the Board shall be deemed to be invalid merely by reason of the existence of any vacancy in the Board or any defect or irregularity in the appointment of any member or in the constitution of the Board.

9. (1) The Secretary shall exercise such powers and perform such duties as may be prescribed or, as may, subject to the provisions of this Act and the rules made thereunder, be entrusted to him, from time to time, by the Chairman.

Powers and duties of Secretary and appointment of other officers and servants of the Board.

(2) Subject to such rules as may be made under this Act, the Board may appoint such other officers and servants as it considers necessary for the efficient performance of its functions under this Act :

Provided that no person whose honorarium or maximum salary exceeds three hundred rupees per month shall be appointed by the Board except with the previous approval of the State Government.

10. (1) On the establishment of the Board the State Government may, by notification in the *Official Gazette*, transfer to the Board the rights and liabilities of the State Government in relation to such *khadi* industries or village industries as may be specified in the notification.

Transfer of rights and liabilities of the State Government to the Board.

(2) On the issue of a notification under sub-section (1) all liabilities incurred, all contracts executed and all matters and things engaged to be done by the State Government at any time before and up to the date of publication of the notification, in connection with the organisation, development or regulation of the *khadi* industries or the village industries specified in the notification, shall, on and from the date of publication of the notification, be deemed to have been incurred, executed or engaged to be done by the Board, and in all suits and other legal proceedings instituted by or against the State Government in connection with the aforesaid industries before and up to the date of publication of the notification, the Board, shall, on and from such date, be deemed to be substituted for the State Government.

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Act, 1959.*

[West Ben. Act

(Sections 11, 12.)

Meetings
of the
Board.

11. (1) The Board shall meet at such times and places and shall, subject to the provisions of sub-sections (2) and (3), observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations made by the Board under this Act :

Provided that the Board shall meet at least once in every three months.

(2) The Chairman or, in his absence, any member chosen by the members present from amongst themselves shall preside at a meeting of the Board.

(3) All questions at a meeting of the Board shall be decided by a majority of the votes of the members present and in the case of equality of votes, the Chairman, or, in his absence, the person presiding, shall have a second or casting vote.

Functions
of the
Board.

12. (1) The Board shall generally organise, develop and regulate *khadi* industries and village industries and discharge such other duties and perform such other functions as the State Government may direct for the purpose of carrying out the objects of this Act, but it will not be a trading corporation.

(2) In particular and without prejudice to the generality of the foregoing provision, the Board may take such steps as it may think fit to—

- (a) establish, encourage, assist and carry on *khadi* industries and village industries ;
- (b) help the people by providing them with work in connection with the industries established or carried on by it, which they can perform in their homes, and give them such financial assistance as they may need for such work ;
- (c) encourage the establishment of Co-operative Societies for *khadi* industries and village industries ;
- (d) maintain training centres and train people at such centres or arrange for their training at centres outside the State of West Bengal with a view to equip them with necessary knowledge for establishing or carrying on *khadi* industries and village industries ;
- (e) arrange for providing raw materials, tools and implements to persons engaged in *khadi* industries and village industries and for the sale of the finished products of such industries ;

The West Bengal Khadi and Village Industries Board Act, 1959. 117

XIV of 1959.]

(Sections 13—15.)

- (f) arrange for giving publicity to, and popularising, the finished products of *khadi* industries and village industries by opening stores, shops and emporiums or organising exhibitions ;
- (g) educate the public and impress upon them the advantages of patronising the products of *khadi* industries and village industries ;
- (h) conduct or encourage research work in connection with *khadi* industries and village industries ;
- (i) maintain or assist in the maintenance of institutions for the development of *khadi* industries and village industries.

13. The Board shall, for the purpose of carrying out its functions under this Act, have the following powers, namely :—

General powers of the Board.

- (a) to acquire and hold such movable and immovable property as it deems necessary and to lease, sell or otherwise transfer any such property :

Provided that in the case of immovable property such powers shall not be exercised without the previous sanction of the State Government ;

- (b) to incur expenditure in discharging its functions under this Act ;
- (c) to enter into any contract and to do all things necessary for the purposes of this Act ;
- (d) to write off losses subject to such conditions as may be prescribed.

14. The Board may, for the purpose of effectively carrying out its functions under this Act,—

Special powers of the Board to grant loans and advance grants.

- (a) advance loans on such terms and conditions as may be prescribed, and
- (b) make grants for the execution of specific schemes.

Insertion of new section 14A in West Ben. Act XIV of 1959.

2. In the West Bengal *Khadi* and Village Industries Board Act, 1959 (hereinafter referred to as the principal Act), after section 14, the following section shall be inserted :—

“Power to delegate.
14A. (1) The Board may by resolution delegate, with the previous approval of the State Government, all or any of its powers under this Act (except the power to make regulations) to the District Industries Centres or to such agencies as the Board may specify in this behalf for efficient implementation of the purposes of this Act.

- (2) The District Industries Centres or the agencies referred to in sub-section (1) shall, for the promotion of *khadi* and village industries under this Act, be

[West Ben. Act

(Sections 16—19.)

(b) particulars of any undertaking which the Board proposes to organise during the following year ;

(c) such other particulars as may be prescribed.

(3) The State Government may sanction the programme and the Schedule of staff of officers and servants with such modification as it deems fit.

Supple-
mentary
pro-
gramme.

16. The Board may in any year prepare and forward to the State Government for its sanction a supplementary programme in such form and by such date as may be prescribed and the provisions of sub-section (3) of section 15 shall apply to such supplementary programme.

Budget.

17. (1) The Board may in each year, by such date and in such form as may be prescribed, prepare and submit to the State Government for its approval two separate budgets for the following year to be called the *Khadi* Budget and the Village Industries Budget showing the estimated receipt and expenditure in respect of *khadi* industries and village industries, respectively, during that year.

(2) The State Government may sanction the budgets submitted to it with such modification as it thinks fit.

Supple-
mentary
budget.

18. The Board may in any year submit to the State Government for its sanction a supplementary budget in such form and by such date as may be prescribed and the provisions of sub-section (2) of section 17 shall apply to such supplementary budget.

Restric-
tions as to
expendi-
ture.

19. (1) Subject to the provisions of sub-sections (2) and (3), no sum shall be expended by or on behalf of the Board unless the expenditure is covered by a specific provision in the budget sanctioned by the State Government.

(2) The Board may, within such limits and subject to such conditions as may be prescribed, sanction any reappropriation from one head of expenditure to another or from the provision made for one scheme to the provision made for another.

(3) Notwithstanding anything contained in sub-section (2), no reappropriation—

(a) from the *Khadi* Budget to the Village Industries Budget or from the Village Industries Budget to the *Khadi* Budget, or

(b) from the head “loan” to another head of expenditure or from another head of expenditure to the head “loan” in either budget,

shall be sanctioned by the Board without the previous approval of the State Government.

*The West Bengal Khadi and Village Industries Board 119
Act, 1959.*

XIV of 1959.]

(Sections 20—24.)

20. The State Government may transfer to the Board, buildings, land or any other property movable or immovable for the use of, and management by, the Board for the purposes of this Act on such terms and conditions as the State Government may impose.

Transfer
of pro-
perty.

21. (1) The Board shall have two separate funds to be called "the *Khadi* Fund" and "the Village Industries Fund" and all grants and advances made to the funds, from time to time, by the State Government for the purpose of organisation, development or regulation of *khadi* industries or village industries and all other receipts of the Board shall be credited to the *Khadi* Fund or the Village Industries Fund, as the case may be, and all payments by the Board in respect of *khadi* industries or village industries shall be made from the appropriate fund.

Funds of
the Board.

(2) All monies belonging to the Board shall be deposited in such custody and in such manner as the State Government may, by special or general order, direct.

(3) The accounts of the Board shall be operated, either jointly or severally as the Board may direct by order made in this behalf, by the Secretary and such other officer or officers of the Board as it may authorise.

22. (1) The State Government may, from time to time, make grants and advance loans, to the Board for the purposes of this Act on such terms and conditions as the State Government may determine in each case.

Grants and
loans to
the Board.

(2) Subject to the provisions of this Act and the rules made thereunder, the Board may borrow any sum required for the purposes of this Act.

(3) The Board may accept grants, subventions, donations or gifts from the Government or a local authority or any individual for all or any of the purposes of this Act.

23. All properties, funds and other assets of the Board shall be held and applied by it subject to the provisions of, and for the purposes of, this Act and not otherwise.

Applica-
tion of
funds and
properties.

24. (1) The accounts of the Board shall be maintained and an annual statement of accounts shall be prepared in such form and manner as may be prescribed.

Accounts
and audit.

(2) The accounts of the Board shall be audited annually by an auditor approved by the State Government.

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[West Ben. Act

(Sections 25—30.)

Loans and
unutilised
grants by
the Board
to be
recover-
able as
public
demands.

25. Subject to such rules as may be made under this Act—

- (a) any loan advanced by the Board under this Act, including any interest chargeable thereon, or
- (b) any grant made by the Board under this Act or any part thereof, which remains unutilised for the purpose for which the grant is made,

shall be recoverable as a public demand.

✓ Annual
report.

26. (1) Within three months of the end of every year, the Board shall prepare and forward to the State Government, in such form and manner as may be prescribed, an annual report giving a complete account of its activities during such year.

(2) A copy of every report forwarded to the State Government under sub-section (1) shall, as soon thereafter as possible, be laid before the State Legislature. ✓

Further
report.

27. The Board shall, by such date, at such intervals and in such form and manner as may be prescribed, submit to the State Government such further report containing such particulars as may be prescribed.

Directions by
the State
Government
and
advice and
guidance of
experts.

28. (1) In the discharge of its functions under this Act the Board shall be guided by such directions on questions of policy as may be given to it from time to time by the State Government.

Explanation.—If any question arises whether a question is a question of policy or not, the decision of the State Government shall be final.

(2) Subject to any direction of the State Government, the Board may seek and obtain the guidance and advice of experts in *khadi* industries and village industries for performing its functions under this Act.

Members,
officers and
servants
of the
Board to
be public
servants.

29. Members, officers and servants of the Board shall, when acting or purporting to act in pursuance of any provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

XLV of
1860.

Indem-
nity.

30. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

The West Bengal Khadi and Village Industries Board 121
Act, 1959.

XIV of 1959.]

(Sections 31, 32.)

31. (1) If at any time the State Government is satisfied, Dissolution
of the
Board.
after giving the Board an opportunity of representing its case,
that—

- (a) the Board has, without reasonable cause or excuse,
made default in the performance of its duties or
in the discharge of its functions, or exceeded or abused
its powers, or
- (b) circumstances have arisen due to which the Board is or
may be rendered unable to discharge its function under
this Act, or
- (c) it is otherwise expedient or necessary to dissolve the
Board,

the State Government may, by notification in the *Official Gazette*, make an order dissolving the Board on and from such date and for such period as may be specified in the order and declaring that the duties, functions and powers of the Board shall, during the period of dissolution, be performed, discharged and exercised by such person or authority as may be specified in the order.

(2) If in any case, the State Government so thinks fit, it may, by notification in the *Official Gazette*, make an order extending the period of dissolution of the Board.

(3) On the dissolution of the Board under this section, suits, prosecutions and other legal proceedings for or against the Board shall, during the period of dissolution, be instituted, defended or continued by the person or authority specified in the order under sub-section (1) in the name of the Board in like manner as immediately before the dissolution of the Board.

(4) The State Government shall, before the expiration of the period of dissolution, reconstitute the Board in accordance with the provisions of section 4.

(5) The State Government may make such incidental or consequential order or orders as may appear to it to be necessary for giving effect to the order made under sub-section (1).

(6) No suit shall lie against the State Government for any order made by it under this section.

32. (1) The State Government may, by notification in the *Official Gazette*, make ¹rules to give effect to the provisions of this Act. Power to
make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely :—

- (a) the terms and conditions of office of the Chairman, the Secretary and the other members, and of the Executive Officer, of the Board including the salaries, honoraria and allowances to be paid to them ;

¹For the West Bengal Khadi and Village Industries Board Rules, 1960, see notification No. nil, dated nil, published in the *Calcutta Gazette, Extraordinary* of 1960, Part 1, pages 1953-1972.

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Act, 1959.*

[West Ben. Act

(Section 33.)

- (b) disqualification for membership of the Board and the procedure to be followed in removing a member who is or has been subject to any disqualification ;
- (c) the procedure to be followed by the Board in the discharge of its functions under this Act ;
- (d) the powers to be exercised and the duties to be performed by the Secretary and the Executive Officer of the Board ;
- (e) the procedure to be followed and the conditions to be observed by the Board in borrowing money, advancing loans and making grants ;
- (f) the conditions subject to which and the mode in which contracts may be entered into by or on behalf of the Board ;
- (g) any other matter which is required to be or may be prescribed or provided for by rules.

Power to
make
regula-
tions.

33. (1) The Board may, with the previous sanction of the State Government, by notification in the *Official Gazette*, make ¹regulations not inconsistent with the provisions of this Act or of the rules made thereunder for enabling it to discharge its functions under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :—

- (a) the terms and conditions of appointment and service and the salaries and allowances of officers and servants of the Board, other than the Secretary and the Executive Officer of the Board ;
- (b) the time and the place of meetings of the Board, the procedure to be followed in regard to transaction of business at such meetings and the quorum necessary for transaction of business ;
- (c) the delegation of powers and duties of the Board to the Secretary or the Executive Officer or any other employee of the Board ;
- (d) the maintenance of minutes and proceedings of the meetings of the Board and the transmission of copies thereof to the State Government ;
- (e) the persons by whom payments, deposits and investments may be made on behalf of the Board ;
- (f) subject to the provision of sub-section (2) of section 21, the custody of monies required for the current expenditure of the Board and investment of monies not so required.

¹For regulations, made under sec. 33 of the Act, see notification no. nil, dated the 18th September, 1961, published in the *Calcutta Gazette* of 1961, Part I, pages 3815-3819.

The West Bengal Khadi and Village Industries Board Act, 1959. 123

XIV of 1959.]

(The Schedule.)

(3) The State Government may, by notification in the *Official Gazette*, rescind any regulation and thereupon such regulation shall cease to have effect.

THE SCHEDULE

[See section 2(d).]

1. Bee-keeping.
2. Cottage match industry.
3. Cottage pottery industry.
4. Cottage soap industry using non-edible oils.
5. Flaying, curing and tanning of hides and skins and ancillary industries connected with the same and cottage leather industry.
6. Ghani oil industry.
7. Hand-made paper.
8. Manufacture of cane-gur and khandsari.
9. Palm-gur making and other palm-products industry.
10. Processing of cereals and pulses.
11. Blacksmithy.
12. Carpentry.
13. Fibre (other than coir).

West Bengal Act XV of 1959¹
THE WEST BENGAL PANCHAYAT (AMENDMENT)
ACT, 1959.

[3rd November, 1959.]

An Act to amend the West Bengal Panchayat Act, 1956.

West Ben.
Act I of
1957. WHEREAS it is expedient to amend the West Bengal
Panchayat Act, 1956 for the purposes and in the manner
hereinafter appearing ;

It is hereby enacted in the Tenth Year of the Republic of
India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the West Bengal Panchayat Short title.
(Amendment) Act, 1959.

2—14. (*Amendment of sections 1, 4, 11, 13, 15, 26, 27, 70,
83, 114 and 120, insertion of new section 27A and substitution
of new section for section 118—These amendments have been
incorporated in West Bengal Act of 1957.*)

15. In Schedule I to the said Act,—

Ben. Act
III of
1885.

(a) (*amendments in the entries relating to the Bengal Local
Self-Government Act of 1885 have been incorporated
in West Bengal Act I of 1957*).

Amend-
ment of
Schedule I.

Ben. Act
VII of
1930.

(b) *after the entries relating to the Bengal Village Self-
Government Act, 1919, the following entries and
headings shall be inserted, namely :—*

(*entries relating to the Bengal (Rural) Primary Education
Act, 1930 have been incorporated in West Bengal
Act I of 1957*).

Cooch Behar Act.

1893 III Cooch Behar Village
Chowkidary
Act, 1893. The whole shall be repealed.

Bihar Act.

1948 VII The Bihar Panchayat
Raj Act,
1947. The whole shall be repealed.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extra-ordinary*, dated the 18th July, 1959, Part IVA, page 1457 ; for the proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 22nd September, 1959 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 30th September, 1959.

[West Ben. Act XV of 1959.]

(Section 16.)

1871	I	Central Act. The Cattle-trespass Act, 1871.	In section 32 as substituted by section 8 of the Cattle-trespass (Bengal Amendment) Act, 1947 (Ben. Act IV of 1947),—	
			(1) in sub-section (1),—	
			(a) after the figure "1919" the following words shall be inserted, namely :—	
			"or an <i>Adhyaksha</i> of a <i>Gram Panchayat</i> constituted under the West Bengal <i>Panchayat</i> Act, 1957," ;	West Ben. Act I of 1957.
			(b) after the words "Union Board" the words "or <i>Gram Panchayat</i> " shall be inserted ;	
			(c) in the proviso,—	
			(i) for the words "or President", in the two places where they occur, the words "President or <i>Adhyaksha</i> " shall be substituted ;	
			(ii) after the words "Union Board", the words "or the <i>Upadhyaksha</i> of such <i>Gram Panchayat</i> " shall be inserted ;	
			(2) in sub-section (2),—	
			(a) for the words "or President" the words "President or <i>Adhyaksha</i> " shall be substituted ;	
			(b) for the words "or Vice-President" the words "Vice-President or <i>Upadhyaksha</i> " shall be substituted ;	
			(c) for the words "or the President" the words "the President or the <i>Adhyaksha</i> " shall be substituted "	
		16. (1) The West Bengal <i>Panchayat</i> (Amendment) Ordinance, 1959, is hereby repealed.		West Ben. Ord. II of 1959.
		(2) Anything done or any action taken under the said Act as amended by the West Bengal <i>Panchayat</i> (Amendment) Ordinance, 1959 shall be deemed to have been done or taken under the said Act as amended by this Act as if this Act had commenced on the 29th day of May, 1959.		

West Bengal Act XXV of 1959¹

THE WEST BENGAL WILD LIFE PRESERVATION ACT, 1959.

[24th December, 1959.]

*An Act to provide for the better preservation of wild life in
West Bengal.*

It is hereby enacted in the Tenth Year of the Republic of
India, by the Legislature of West Bengal, as follows :—

CHAPTER I.

Preliminary.

1. (1) This Act may be called the West Bengal Wild Life
Preservation Act, 1959.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

(3) It shall come into force in such areas as the State
Government may by notification in the *Official Gazette* appoint
and different dates may be appointed for different areas.

2. In this Act, unless there is anything repugnant in
the subject or context,—

Definitions.

(a) “animal” includes quadrupeds, birds, fish and reptiles,
and young ones thereof ;

(b) “Collector” means the Collector of a district or any
other officer appointed by the State Government
to discharge the functions of a Collector under
this Act ;

(c) “hunting” means killing, chasing, pursuing, captur-
ing or wounding and includes also the seizing or
destroying of eggs or nests or any attempt or any
device to do any of the foregoing acts ; and
grammatical variations of the word shall be
construed accordingly ;

(d) “land” includes water and includes also the soil and
sub-soil and rights to mines and minerals and all
forests, jungles, trees and vegetation standing or
growing on land ;

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extra-ordinary*, dated the 9th February, 1959, Part IVA, page 287 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 19th and 23rd March, 1959 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 28th September, 1959.

(Chapter II.—Authorities under the Act.—Sections 3, 4.)

- (e) "licence" means a licence issued under this Act ;
- (f) "prescribed" means prescribed by rules made under this Act ;
- (g) "trophy" means any dead animal or any part of any animal or any eggs or nests, preserved as a relic or for show ;

Explanation.—Part of an animal includes the head, horn, antlers, skin, tusk, tooth, bone, claw, hoof, hair or feather, but does not include any article manufactured or prepared therefrom ;

- (h) "wild life" or "wild animal" means any animal specified in the First or the Second Schedule, when in a wild state,

CHAPTER II.

Authorities under the Act.

Appoint-
ment of
officers.

3. (1) The State Government may for the purpose of this Act appoint the following officers, namely :—

- (a) A Chief Wild Life Preservation Officer for West Bengal,
- (b) Regional Wild Life Preservation Officers,
- (c) Divisional Wild Life Preservation Officers,
- (d) Game Wardens, either honorary or stipendiary, and
- (e) such other officers and servants as it deems necessary,

(2) All such appointments may be made either by name or by virtue of office.

(3) Honorary Game Wardens shall hold office for a period of one year :

Provided that the State Government may terminate the tenure of office of an Honorary Game Warden earlier, if in its opinion, his services are no longer required.

Powers,
duties and
functions,
etc.

4. (1) The powers, duties and functions of the officers referred to in sub-section (1) of section 3 shall be such as are mentioned in this Act or as may be prescribed.

(2) All officers referred to in clauses (a), (b), (c) and (d) of sub-section (1) of section 3 shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

XXV of 1959.]

(Chapter III.—Hunting of Wild Animals.—Sections 5—7.)

CHAPTER III.

Hunting of Wild Animals.

5. No person shall hunt any wild animal except under a licence and in accordance with prescribed conditions specified in such licence.

Prohibition
of hunting
wild
animals
except
under
licence.

6. (1) The State Government may, by notification in the *Official Gazette*, declare the whole year to be a close time for wild animals mentioned in the First Schedule and may, by like notification, declare what period or periods during the year shall be close time for animals referred to in the Second Schedule.

Close time.

(2) During the close time specified for any wild animal, it shall not be lawful to hunt such wild animal anywhere within West Bengal, where this Act is in force :

Provided that if the State Government thinks it fit to do so in the public interest, it may authorise any person, institution or authority to hunt, even during the close time, any kind of wild animal, for collecting specimens for scientific or educational purposes.

(3) The State Government may, if it thinks fit to do so in the public interest, at any time, make any alterations or changes in any of the Schedules.

7. (1) No person shall hunt any wild animal from or by means of a wheeled or mechanically propelled vehicle on land or by aircraft.

Restric-
tions
on the
methods of
hunting.

(2) No person shall use a motor car, motor cycle, or aircraft for the purpose of killing, driving or stampeding any wild animal.

(3) No person shall hunt any wild animal with poison or poisoned weapons.

(4) No person shall for the purpose of hunting wild animal set fire to any vegetation.

(5) No person shall use any artificial light for the purpose of hunting any wild animal (except in the case of carnivora).

(6) No person shall hunt any wild animal (except pigs, bears and carnivora) between one hour after sunset and one hour before sunrise.

(7) No person shall hunt any wild animal on a salt-lick or water-hole or on paths and approaches to the same.

[West Ben. Act

(Chapter III.—Hunting of Wild Animals.—Sections 8—10.)

Procedure
for
obtaining
licence.

8. (1) Any person desiring to obtain a licence shall apply to the Divisional Wild Life Preservation Officer concerned.

(2) Upon the receipt of such application, the Divisional Wild Life Preservation Officer shall, after making such enquiries, if any, as he deems necessary, either grant or refuse such licence.

(3) Where the Divisional Wild Life Preservation Officer refuses to grant a licence to any person, he shall record in writing the reasons for such refusal and furnish to the person on request a brief statement of the same unless in any case he records his opinion that it will not be in the public interest to furnish such statement.

(4) Any person aggrieved by the refusal of a licence may appeal within thirty days of the date of the order and in the prescribed manner to the Regional Wild Life Preservation Officer concerned. No such appeal shall be disposed of unless the appellant has been given an opportunity of being heard. An order passed in appeal shall, subject to the provisions of sub-section (5), be final and conclusive.

(5) The Chief Wild Life Preservation Officer may, on his own motion or on the motion of any person aggrieved, at any time revise any order passed under sub-section (4) and his order on such revision shall be final and conclusive :

Provided that no order shall be passed in revision which adversely affects any person unless such person has been given an opportunity of being heard.

(6) The fee for a licence shall be as may be prescribed.

Duration
and
cancellation
of
licences.

9. (1) Every licence granted under this chapter shall be valid for such period as may be prescribed.

(2) The Divisional Wild Life Preservation Officer may, at any time, if he is satisfied that the holder of a licence has failed to comply with the conditions specified in the licence, cancel such licence, after giving the holder an opportunity of being heard. Where a licence is cancelled as aforesaid, any person aggrieved shall have the same right of appeal and revision as if the licence had been refused.

Licence-
holder to
keep
record.

10. (1) The holder of every licence shall keep a record containing such particulars as may be prescribed, of all wild animals hunted by him during the currency of the licence.

(2) Not later than thirty days after the expiry of his licence, the holder of the licence shall surrender his licence and also the record referred to in sub-section (1) to the Divisional Wild Life Preservation Officer concerned and shall also furnish him with a declaration in the prescribed form certifying the accuracy of the record.

XXV of 1959.]

(Chapter IV.—Wild Life Sanctuaries.—Sections 11, 12.)

CHAPTER IV.

Wild Life Sanctuaries.

11. (1) If the State Government thinks it fit to do so in the public interest, it may in respect of any area which in its opinion is fit to be a Wild Life Sanctuary, issue a proclamation in the *Official Gazette*—

Wild Life
Sanctu-
aries.

(a) stating that in its opinion, the area is fit to be a Wild Life Sanctuary and that the State Government intends to acquire such area for establishing a Wild Life Sanctuary ;

(b) specifying as nearly as possible the situation and the limits of such area.

(2) Upon the issue of such a proclamation,—

(a) no person shall cut down any tree or vegetation or clear any forest or jungle or hunt any wild animal within such area ;

(b) an officer of Government generally or specially empowered in this behalf may enter upon such land with workmen and other suitable persons and make surveys and measurements, dig and bore into the soil or sub-soil or mark out boundaries by cutting trenches or ditches, or setting up hedges, fences, railings, walls or pillars as may be necessary.

(3) After a period of at least three months from the date of such proclamation, the State Government may, by notification in the *Official Gazette*, declare the area to be a Wild Life Sanctuary and thereupon the area shall be a Wild Life Sanctuary and the land comprised in such area shall vest in the State free from all interests and incumbrances in favour of any person, except so much of such land as has already vested in the State under the West Bengal Estates Acquisition Act, 1953.

West Ben.
Act I of
1954.

(4) For the purposes of this section, it shall be sufficient to specify the situation and the limits of any area by roads, rivers, ridges or other well-known or readily intelligible boundaries.

12. (1) Any person whose land or interest in land or incumbrance in land vests in the State under sub-section (3) of section 11, may apply to the Collector within three months of the issue of the declaration under that sub-section for the determination and award of compensation to be paid to him.

Principles
to be
followed
in fixing
compensa-
tion.

(2) Every such application shall describe the land or the nature and extent of the interest or incumbrance of the applicant in the land, as the case may be.

(Chapter IV.—Wild Life Sanctuaries.—Sections 13—15.)

(3) The amount of compensation payable shall be the price, which, in the opinion of the Collector, the land or the interest or the incumbrance would have fetched in the open market if it had been sold on the date of the declaration.

(4) In determining the amount of compensation payable under sub-section (3), the Collector shall give the applicant an opportunity of being heard and shall also take such evidence and make such enquiries, if any, as he thinks fit.

(5) An appeal shall lie to the Commissioner of the Division in which the area is situated against an order of the Collector determining and awarding compensation. Any order passed on such appeal shall be final and conclusive.

Manner of
payment
of com-
pensation.

13. (1) Where the amount of compensation awarded under this chapter does not exceed Rs. 5,000, it shall be paid entirely in cash, within one year from the date of the last order awarding compensation.

(2) Where the amount of compensation awarded under this chapter exceeds Rs. 5,000, a sum of Rs. 5,000 shall be paid in cash within one year from the date of the last order awarding compensation, and the remainder shall be paid in bonds carrying interest at $2\frac{1}{2}$ per cent. per annum on the total sum awarded (less the sum of Rs. 5,000 paid) with effect from such date and payable in ten equal annual instalments, the first annual instalment being due on the day one year after such date.

Prohibi-
tion of
hunting in
Wild Life
Sanctu-
aries.

14. No person shall hunt any animal in any Wild Life Sanctuary :

Provided that the Regional Wild Life Preservation Officer concerned, may, if he thinks that it is necessary that any animals should be hunted, for better preservation of other animals, authorize any person whom he deems suitable to hunt the first-mentioned animals, either temporarily for a specific period or permanently, and with or without any licence.

Permit to
enter or
reside
within
Wild Life
Sanctuary.

15. No person other than,—

(a) a public servant on duty,

(b) any person passing along a public highway running through a Wild Life Sanctuary,

shall enter or reside within a Wild Life Sanctuary except under a permit issued by the officer prescribed in this behalf.

XXV of 1959.]

(Chapter V.—Business in Trophies and Pet Animals.—Sections 16, 17.—Chapter VI.—Offences and Penalties.—Sections 18, 19.)

CHAPTER V.

Business in Trophies and Pet Animals.

16. (1) No person shall carry on the business of a trophy dealer or a dealer in pet animals except under and in accordance with the conditions of a business certificate granted under this chapter.

Business certificate to be obtained for dealing in trophies and pet animals.

(2) Nothing in this section shall require any person to obtain a business certificate—

(i) for possessing pet animals, not exceeding twelve in number, or

(ii) for possessing trophies which have been lawfully acquired by him,

provided such animals or trophies are kept by him for his individual use or benefit.

17. (1) A business certificate referred to in section 16 may be issued by the officer prescribed in this behalf on application made in that behalf and on payment of such fees as may be prescribed.

Issue of business certificates, the period of their validity and records and returns.

(2) Every such business certificate shall be valid for one year from the date of issue.

(3) Every holder of such business certificate shall keep such record and submit such return to the officer referred to in sub-section (1) as may be prescribed.

CHAPTER VI.

Offences and Penalties.

18. (1) Any person who contravenes the provisions of section 5, sub-section (2) of section 6, section 7, section 10, section 14, section 15, sub-section (1) of section 16 or sub-section (3) of section 17, shall be guilty of an offence under this Act and shall, on conviction, be punished with imprisonment which may extend to six months or with fine which may extend to Rs. 500 or with both.

Offences and penalties.

(2) When a person is convicted of an offence under this Act, the court convicting such person may also order that any animal or trophy in respect of which the offence has been committed, or any weapon or instrument, vehicle or vessel used in committing the offence, shall be forfeited to the State or that any licence or permit or business certificate held by such person be cancelled.

19. No court shall take cognizance of an offence under this Act except on written complaint of any officer referred to in clause (a), (b) or (c) of sub-section (1) of section 3 or

Cognizance of offences.

(Chapter VI.—Offences and Penalties.—Sections 20, 21.)

of a police-officer not below the rank of a Sub-Inspector of Police and unless the prosecution is instituted within three months from the date on which the offence is alleged to have been committed.

Power of
entry,
search,
seizure and
arrest.

20. (1) Any officer referred to in clause (a), (b), (c) or (d) or sub-section (1) of section 3 or any police-officer not below the rank of a Sub-Inspector of Police may, if he has reasonable grounds for believing that a person has committed an offence under this Act,—

(a) require such person to produce for his inspection, any animal or carcase thereof, or any trophy in his possession, or any licence, permit or business certificate issued to him under this Act.

(b) stop, enter and search any vehicle or vessel in the occupation of any person and open and search any package or other thing in his possession ;

(c) seize any animal or carcase thereof, or any trophy or any weapon, instrument, vehicle or vessel, if there is reasonable ground for believing that it has been procured or used in committing such offence ;

(d) arrest any person against whom reasonable suspicion exists of having committed such offence.

(2) Any officer arresting a person under clause (d) of sub-section (1) may release him on his executing a bond in the prescribed form to appear if and when so required before a Magistrate having jurisdiction in the case or before the officer-in-charge of the nearest police-station.

(3) Where a person arrested under clause (d) of sub-section (1) is not released under sub-section (2), the officer arresting him shall forthwith take and produce him to the officer-in-charge of the nearest police-station, who shall deal with him according to law.

(4) Any officer making any seizure under clause (c) of sub-section (1) shall forthwith take and produce the objects seized to the officer-in-charge of the nearest police-station, who shall deal with them according to law.

Compound-
ing of
offences.

21. Notwithstanding anything contained in the foregoing sections of this chapter, where a person is alleged to have committed an offence under this Act, an officer referred to in clause (a), (b) or (c) of sub-section (1) of section 3, may, in accordance with such rules as may be prescribed, accept from such person, by way of composition of such offence, a sum not exceeding Rs. 200, as may be determined by him. Upon payment of such sum within such period as may be prescribed, no proceedings shall be commenced against such person and any proceedings already started shall not be further proceeded with.

XXV of 1959.]

(Chapter VII.—Miscellaneous.—Sections 22—27.)

CHAPTER VII.

Miscellaneous.

22. Nothing in this Act shall be deemed to apply to the killing or wounding in good faith of any animal by any person in defence of himself or any other person or of any property.

Killing or wounding in defence of person or property.

23. Nothing in this Act shall be deemed to affect the Elephants' Preservation Act, 1879, as amended in its application to West Bengal or the Bengal Rhinoceros Preservation Act, 1932, and those Acts shall continue to apply as if this Act had not come into force.

Act VI of 1879.
Ben. Act VIII of 1932.

Act VI of 1879, Ben. Act V of 1932 and Ben. Act VIII of 1932 not affected.

24. Save as otherwise provided in the Constitution of India, no court shall have jurisdiction in any matter relating to licences, permits or business certificates or compensation under this Act.

Bar of jurisdiction.

25. No suit, prosecution or legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act or the rules made thereunder.

Indemnity.

26. (1) The State Government may make rules for carrying out the provisions of this Act.

Rules

(2) In particular, and without prejudice to the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (i) anything required to be prescribed under this Act ;
- (ii) the fee to be paid for any application or appeal, the period of limitation for any appeal and the procedure to be followed in appeals ;
- (iii) the fee to be paid for a licence or a business certificate and the time and manner of payment of such fees ;
- (iv) the management of Wild Life Sanctuaries ;
- (v) the conditions to be observed by persons who have been permitted to enter or reside in a Wild Life Sanctuary.

Act VIII of 1912,

27. The Wild Birds and Animals Protection Act, 1912, shall stand repealed in its application to West Bengal in the areas in which this Act comes into force.

Repeal.

(The First Schedule.)

The First Schedule.

[See section 6(1).]

Animals for which the whole year may be notified as close time.

1. Pangolin or Scaly ant-eater	<i>Manis crassicaudata</i>
2. Lesser Panda or Cat-bear	<i>Ailurus fulgens</i>
3. Elephant	<i>Elephas maximus</i>
4. Rhinoceroses	<i>Rhinoceros</i>
5. Pygmy hog	<i>Sus salvanius</i>
6. Female deer of all kinds	
7. Male deer when hornless or in velvet	
8. Mouse deer	<i>Tragulus meminna</i>
9. Cheetal deer	<i>Axix axis</i>
10. Hog deer	<i>Axix porcinus</i>
11. Swamp deer	<i>Cervus duvauceli</i>
12. Gaur or Indian bison	<i>Bos gaurus</i>
13. Buffalo	<i>Bubalus bubalis</i>
14. Common Monitor or Grey land lizard	<i>Varanus monitor</i>
15. Yellow land lizard	<i>Varanus flavescens</i>
16. Ringed or water lizard	<i>Varanus salvator</i>
17. Python	<i>Python molurus</i>
18. Indian egg-eating snake	<i>Elachistodon Westermanni</i>
19. Indian Salamander	<i>Tylotriton verrucosus</i>
20. Birds of prey (diurnal), except sparrow-Hawks, Fishing Eagles, Marsh-Harrier, and Shahin and laggar Falcons	Order Falconiformes, except <i>Accipiter nisus</i> , <i>Accipiter virgatus</i> , <i>Haliaeetus</i> , <i>Ichthya-phaga</i> , <i>Circus aeruginosus</i> , <i>Falco peregrinus</i> and <i>Falco chiquers</i>
21. Herons and Egrets	Family Ardeidae
22. Storks, Ibises and Adjutants	Family Threskiornithidae
23. Pink-headed duck	<i>Rhodonessa caryophyllacea</i>
24. White-winged Wood-duck	<i>Cairina acutalata</i>
25. Spur-fowls	<i>Galloperdix</i>
26. Blood-pheasant	<i>Ithaginis cruentus</i>
27. Tragopan	<i>Tragopan satyra</i>

XXV of 1959.]

(The First Schedule.)

28. Monal or Impeyan pheasant	<i>Lophophorus impejanus</i>
29. Floricans	<i>Eupodotis</i>
30. Sandgrouse	<i>Pterocles exustus</i>
31. Owls	Family Strigidae
32. Rollers	<i>Coracias and Eurystomus</i>
33. Kingfishers	Family Alcedinidae
34. Bee-eaters	Family Meropidae
35. Hoopoes	<i>Upupa</i>
36. Hornbills	Family Bucerotidae
37. Swifts	Family Apodidae
38. Barbets	Family Capitonidae
39. Woodpeckers	Family Picidae
40. Broadbills	<i>Serilophus and Psarisomus</i>
41. Pittas	<i>Pitta</i>
42. Larks	Family Alaudidae
43. Martins and Swallows	Family Apodidae
44. Blue-bird	
45. Minivets and Cuckoo-shrikes	Family Pericrocotidae
46. Flycatchers, Shortwings, Babblers, Laughing-thrushes, Warblers, Red-starts, Robins, Blackbird, Thrushes, Chats, Whistling thrush, Forktails, Wrens	Family Muscicapidae (Muscicapinae, Timaliinae, Sylviinae. Turdinae and Troglodytinae)
47. Pipits and Wagtails	Family Motacillidae
48. Shrikes	<i>Lanius</i>
49. Swallow-shrikes	<i>Artamus</i>
50. Creepers and Nuthatches	Family Sittidae
51. Tits	Family Paridae
52. Flowerpeckers	Family Dicaeidae
53. Sunbirds	Family Nectariniidae
54. Finches and Buntings	Family Fringillidae
55. Weaver-birds and Munias	Family Ploceidae
56. Orioles	<i>Oriolus</i>
57. Drongoes	<i>Dicrurus</i>
58. Jays, Magpies, Tree-pies, Choughs and Crows	Family Corvidae
59. The Great Indian Bustard	<i>Choriotis nigriceps.</i>
60. Saras Crane	

(The Second Schedule.)

The Second Schedule

[See section 6(1).]

Animals for which a part of the year may be notified as close time.

- | | |
|---|--|
| 1. Barking deer stags with horns not in velvet | <i>Muntiacus muntjak</i> |
| 2. Sambar with horns not in velvet | <i>Cervus unicolor</i> |
| 3. Serow | <i>Capricornis sumatraensis</i> |
| 4. Goral | <i>Naemorhedus goral</i> |
| 5. Hares | <i>Lepus and Caprolagus.</i> |
| 6. All kinds of geese, teals, ducks, etc., except the Pink-headed duck and the White-winged wood-duck | |
| 7. Partridges and quails | <i>Francolinus, Coturnix,
 Pedicula Arborophila</i> |
| 8. Kalij pheasant | <i>Lophura leucomelana</i> |
| 9. Jungle-fowl | <i>Gallus gallus</i> |
| 10. Peafowl | <i>Pavo cristatus</i> |
| 11. Cranes (excepting Saras) | Family Gruidae |
| 12. Rails, Crakes, Waterhens, Moorhens and Coot | Family Rallidae |
| 13. Button-quails | <i>Turnix</i> |
| 14. Jacanas | Family Metopidae |
| 15. Snipes and Woodcock, Painted snipe | <i>Gallinago, Scolopax and
 Rostratula</i> |
| 16. All doves and pigeons except rock-pigeon | Family Columbidae
except <i>Columba livia</i> . |

West Bengal Act XXVI of 1959¹

THE DENTISTS (WEST BENGAL AMENDMENT) ACT, 1959.

[3rd February, 1960.]

An Act to amend the Dentists Act, 1948, in its application to West Bengal.

XVI of
1948.

WHEREAS it is expedient to amend the Dentists Act, 1948, in its application to West Bengal for the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Tenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the Dentists (West Bengal Amendment) Act. 1959.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. The Dentists Act, 1948 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be amended in the manner hereinafter provided.

Applica-
tion of
the Act.

3. After clause (a) of sub-section (2) of section 34 of the said Act, the following clause shall be inserted, namely :—

Amend-
ment of
section 34
of Act
XVI of
1948.

“(aa) during the period of two years immediately after the commencement of the Dentists (West Bengal Amendment) Act, 1959, any person who does not hold any recognised dental qualification but has been engaged in practice in Chandernagore as defined in the Chandernagore (Merger) Act, 1954, or in the district of Cooch Behar as a dentist as his principal means of livelihood for a period of not less than five years prior to the date appointed under sub-section (2) of section 32, shall be entitled, on payment of the prescribed fee, to have his name entered on the register of dentists, if he is a citizen of India and resides and carries on the profession of dentistry in the State of West Bengal ;”.

XXXVI
of 1954.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extra-ordinary*, dated the 6th February, 1959, Part IVA, page 252 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 23rd November, 1959 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 25th November, 1959.

²This Act came into force on the 1st May, 1960. Vide notification No. medl./3753/2D-11/59, dated the 26th April, 1960, published in the *Calcutta Gazette* of 1960, Part I, page 1523.

West Bengal Act XXVII of 1959¹

THE ROAD TRANSPORT CORPORATIONS (WEST BENGAL AMENDMENT) ACT, 1959.

[31st March, 1960.]

An Act to amend the Road Transport Corporations Act, 1950, in its application to West Bengal.

64 of 1950. WHEREAS it is expedient to amend the Road Transport Corporations Act, 1950, in its application to West Bengal, for the purposes and in the manner hereinafter appearing ;

It is hereby enacted in the Tenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the Road Transport Corporations (West Bengal Amendment) Act, 1959.

Short title and extent.

(2) It extends to the whole of West Bengal.

2. The Road Transport Corporations Act, 1950 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be amended in the manner hereinafter provided.

Application.

3. After section 47A of the said Act, the following section shall be inserted, namely :—

Insertion of new section 47B in Act 64 of 1950.

"Special provisions relating to West Bengal.

47B. (1) On the establishment of a Corporation under section 3 in the State of West Bengal,—

(a) all properties, movable or immovable, and all assets of the State Government in use, immediately before the establishment of the Corporation, for the purpose of the Transport

¹For Statement of Objects and Reasons, see the *Calcutta, Gazette Extraordinary*, dated the 20th November, 1959, Part IVA, page 2301 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 30th November, 1959 and the 1st December, 1959 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 11th December, 1959.

[West Ben. Act

(Section 3.)

Undertaking of the State Government (hereafter in this section referred to as the State Undertaking) within the State or part thereof for which such Corporation is established, shall vest in the Corporation :

Provided that the State Government may, by notification in the *Official Gazette*, exclude from the operation of the provisions of this clause such properties or assets as may be specified in the notification ;

- (b) all rights acquired, all debts and obligations incurred, all contracts entered into, and all matters and things engaged to be done, before the establishment of the Corporation, by the State Government in connection with the State Undertaking, shall be deemed to have been acquired, incurred, entered into or engaged to be done, by the Corporation ;
- (c) all suits or other legal proceedings instituted or which might but for the establishment of the Corporation have been instituted by or against the State Government in connection with the State Undertaking may be continued or instituted by or against the Corporation and in all such suits or other legal proceedings pending immediately before such establishment, the Corporation shall stand substituted in place of the State Government ;
- (d) registration of all motor vehicles of the State Government used in connection with the State Undertaking except those which may be specified in the notification issued under the proviso to clause (a) made, and certificates of such registration issued, under the Motor Vehicles Act, 1939, in favour of the State Government, and continuing in force immediately before the establishment of the Corporation shall, after such establishment, be deemed to have been made or issued in favour of the Corporation and in all such cases on application by the Corporation the Corporation shall be substituted in place of the State Government in the records of the registering authority and in such certificates of registration ; 4 of 1939.
- (e) any scheme prepared by, any permit granted to, and, generally, anything done or any action taken by or in favour of, the State Government in respect

XXVII of 1959.]

(Section 3.)

of the State Undertaking, shall be deemed to have been prepared by, granted to or done or taken by or in favour of, the Corporation ;

(f) persons employed by the State Government in connection with the State Undertaking and continuing in office immediately before the establishment of the Corporation shall be employed by the Corporation on such terms and conditions, not less advantageous than what they were entitled to immediately before such establishment, as may be determined by the Corporation ;

4 of 1939.

(g) all rules and orders made and notifications issued from time to time to under the Motor Vehicles Act, 1939, in so far as they are applicable to the State Undertaking, and continuing in force immediately before the establishment of the Corporation, shall, after such establishment, continue in force and be applicable to the Corporation until they are altered, repealed or amended ;

(h) all rules and orders made and notifications issued by or under the authority of the State Government in respect of the State Undertaking, and continuing in force immediately before the establishment of the Corporation, shall, in so far as they are not inconsistent with the provisions of this Act, continue in force after such establishment as if they had been made or issued by the appropriate Authority under this Act until they are altered, repealed or amended.

(2) All sums which the State Government may, not later than six months after the establishment of the Corporation, declare to have been incurred by the State Government before such establishment on capital account in connection with the properties and assets vesting in the Corporation under clause (a) of sub-section (f) shall be deemed to be capital advanced by the State Government to the Corporation under section 23 and the terms and conditions thereof shall be such as the State Government may determine”.

West Bengal Act XXIX of 1959
THE BURDWAN UNIVERSITY ACT, 1959.

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West Bengal Act XXIX of 1959¹

THE BURDWAN UNIVERSITY ACT, 1959.

AMENDED West Ben. Act X of 1961.

[19th April, 1960.]

An Act to establish and incorporate a teaching and affiliating University at Burdwan in West Bengal.

It is hereby enacted in the Tenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

CHAPTER I.

Preliminary.

1. (1) This Act may be called the Burdwan University Act, 1959.

Short
title and
commence-
ment.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

“college” means a college established, maintained, and
Page 147— (2) of

In clause (c) of section 2, add the following *Explanation*, namely:—

“*Explanation.*—For the purposes of this clause the district of Hooghly shall not comprise the areas included on the date of commencement of the Burdwan University (Amendment) Ordinance, 1966 (within the limits of the Serampore Sub-division of that district;”;

(Added by West Ben. Act XV of 1966, section 2.) the
t of

[No. 4, dated the 1st May, 1970.]

nces,

Regulations or Rules made under this Act ;

(f) “Principal” of a college means the head of the college by whatsoever designation he may be described or called ;

(g) “Statutes”, “Ordinances”, “Regulations” and “Rules” mean respectively the Statutes, Ordinances, Regulations and Rules of the University made under this Act ;

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 14th November, 1959, Part IVA, pages 2265-2269 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 26th and the 28th November, 1959 ; and the 1st, 2nd, 3rd, 5th and 8th December, 1959 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meetings of that Council held on the 11th, 14th, 15th, 16th and 18th December, 1959.

²This Act came into force on the 15.6.61. Vide notification No. 2384 Edn. (G)/GU—63/60, dated the 11th June, 1960, published in the *Calcutta Gazette, Extraordinary* of 1960, Part I, page 1435.

(Chapter II.—The University.—Sections 3, 4.)

- (h) "Teacher" means a Professor, Assistant Professor, Reader, Lecturer, Demonstrator, Instructor, or any other person holding a teaching post in a college ;
- (i) "Teacher of the University" means a person appointed or recognised as such by the University, either wholetime or part time, for the purpose of imparting instruction in the University ;
- (j) "University" means the University of Burdwan constituted under this Act ; and
- (k) "year" means a period of twelve months beginning on the first day of June.

CHAPTER II.

The University.

The
University.

3. (1) The first members of the University referred to in sub-section (2) of section 8 and all persons who may hereafter become members of the University shall, so long as they continue to be members, constitute a body corporate by the name of the University of Burdwan.

(2) The University shall have perpetual succession and a common seal and shall sue and be sued in the name of the University of Burdwan.

Powers of
the Univer-
sity.

4. Subject to the provisions of this Act, the University shall have the following powers, namely :—

- (1) to provide for instruction and training in such branches of learning as it may think fit and to make provisions for research and for the advancement and dissemination of knowledge ;
- (2) to establish, maintain ¹[, manage or recognise] colleges, libraries, museums and such other institutions as it may consider fit ;
- (3) to recognise any college as a constituent college and to withdraw such recognition ;
- (4) to affiliate to itself any college and to withdraw affiliation from any affiliated college ;
- (5) to institute degrees, titles, diplomas, certificates and other academic distinctions ;
- (6) to hold examinations and to confer degrees, titles, diplomas, certificates and other academic distinctions on persons who—
- (a) shall, unless exempted therefrom in such manner as may be prescribed by Statutes, have pursued in an affiliated or constituent college or in the

¹These words were substituted for the words "or manage" by sec. 2 (1) of the Burdwan University (Amendment) Act, 1961 (West Ben. Act X of 1961).

XXIX of 1959.]

(Chapter II.—The University.—Section 4.)

University such courses of study and shall have passed such examinations of the University as may be prescribed by Ordinances, or

- (b) shall have carried on research under such conditions as may be prescribed by Ordinances ;
- (7) to confer honorary degrees or other academic distinctions under such conditions as may be prescribed ;
- (8) to co-operate with other Universities and other authorities in such manner and for such purposes as the University may determine ;
- (9) to institute and make appointments to professorships, assistant professorships, readerships, Teacherships of the University, lecturerships or any other teaching posts ;
- (10) to institute and award fellowships, scholarships, exhibitions, prizes, medals and other honours and distinctions ;
- (11) to prescribe, demand and receive fees, fines and other charges ;
- (12) to establish, maintain and manage hostels and other places of residence for the students of the University, to recognise such hostels and other places and to withdraw recognition therefrom ;
- (13) to provide for the supervision and control of the residence and discipline of the students of the University ¹[constituent colleges, affiliated colleges, recognised colleges and other institutions recognised by the University] and to make arrangements for promotion of their health and general welfare ;
- (14) to conduct, co-ordinate, regulate and ²[control post-graduate research work] and teaching in the University, ³[constituent colleges, affiliated colleges, recognised colleges and other institutions] recognised by the University ;
- (15) to define the powers and duties of the officers of the University other than the Chancellor and the Vice-Chancellor ;
- (16) to provide for the inspection, or investigation into the affairs, of a college or of any other institution referred to in clause (2) ;
- (17) to create such administrative, ministerial or other posts under the University as it may deem fit and to make appointments thereto ;

¹These words were inserted by sec. 2(2) of the Burdwan University (Amendment) Act, 1961 (West Ben. Act X of 1961).

²These words were substituted for the words "control the post-graduate research work" by sec. 2(3) (i), *ibid.*

³These words were substituted for the words, "the constituent and affiliated colleges and the institutions" by sec. 2(3) (b), *ibid.*

[West Ben. Act

(Chapter II.—The University.—Section 5.)

- (18) to receive grants, donations, endowments and bequests and to raise loans ;
- (19) to make grants and advances ;
- (20) to enter into contracts ;
- (21) to acquire, hold and dispose of property, movable or immovable, for furthering any of the objects of the University ;
- (22) to make grants for the maintenance of the National Cadet Corps ; and
- (23) to do all other acts and things, whether incidental to the powers aforesaid or not, as may be necessary for furthering the objects of the University and for promoting arts, science and other branches of learning.

Territorial
exercise of
powers.

5. (1) Save as otherwise provided in this Act, the powers of the University conferred by or under this Act shall not extend beyond the limits of any district referred to in clause (c) of section 2.

(2) Notwithstanding anything contained in any other law for the time being in force, with effect from such date as the State Government may, by ¹notification in the *Official Gazette*, appoint in this behalf (hereafter in this section referred to as the appointed day),—

(a) such colleges existing on the appointed day within the limits of the districts referred to in clause (c) of section 2 as may be specified in the notification shall—

(i) be deemed to be affiliated to the University and continue to be so affiliated until the University otherwise directs ; and

(ii) cease to be affiliated to the University of Calcutta to which they may have been affiliated before the appointed day ;

(b) any Teacher, Principal or member of the Governing Body of any such college holding ²[or having been elected to], by virtue of his being such Teacher, Principal or member, any office in or under the University of Calcutta or any of the authorities of the said University shall cease to hold such office and the vacancy so caused shall be deemed to be a casual vacancy for the purposes of the Calcutta University Act, 1951 :

West Ben.
Act XVIII
of 1961.

¹For affiliation of certain Colleges to the Burdwan University and disaffiliation of those Colleges from the Calcutta University—

(a) see notification No. 2400 Edn (G), dated 15.6.60, published in the *Calcutta Gazette, Extraordinary* of 1960, Part I, pages 1453-1454, as subsequently amended,

(b) see notification No. 3498 Edn. (G), dated the 19.6.60, published in the *Calcutta Gazette, Extraordinary* of 1960, Part I, page 2269.

²These words were inserted by sec. 8 of the Burdwan University (Amendment) Act, 1961 (West Ben. Act X of 1961).

XXIX of 1959.]

Page 151—

Pro (2). In section 5, omit clause (ii) of the proviso to sub-section

(1951.

(Omitted by West Ben. Act XV of 1966, section 3.)

[No. 4, dated the 1st May, 1970.]

Act
of 1918.

otherwise.

151—

After section 5, insert the following section, namely:—

Section 5A. Notwithstanding anything to the contrary contained in this Act or in the Calcutta University Act, 1951, with effect from the date of commencement of the Burdwan University (Amendment) Ordinance, 1966,—

West Ben.
Act
XVIII of
1951.
West Ben.
Ord. VI of
1966.

Prohibition as to discrimination on grounds of religion, race, caste, sex, place of birth or language.

(a) the University shall not exercise any power conferred by or under this Act in respect of any college situated in any area included on such date within the limits of the Serampore Sub-division of the district of Hooghly,

(b) all such colleges which are, or are deemed to have been, affiliated to the University shall cease to be so affiliated,

Academic Council, and such Faculties, Departments,

Subordinate authorities and date.

(c) any Principal, Teacher or member of the Governing Body of any such college appointed or elected, by virtue of his being such Principal, Teacher or member, to any office in or under the University or any of the subordinate authorities of the University shall cease to hold such office and the vacancy so caused shall be deemed to be a casual vacancy for the purposes of this Act, and

(d) all such colleges which cease to be affiliated to the University under the provisions of clause (b) shall be deemed to be affiliated to the University of Calcutta and shall continue to be so affiliated until the University of Calcutta otherwise directs:

Provided that nothing in this section shall affect the privileges enjoyed by the Serampore College in the Serampore Subdivision of the district of Hooghly under the Serampore College Act, 1918 or otherwise.”

Ben. Act
IV of 1918,

(Inserted by West Ben. Act XV of 1966, section 4.)

[No. 4, dated the 1st May, 1970.]

(Chapter II.—The University.—Section 8.)

appointed by the Chancellor in accordance with the provisions of sub-section (1) of section 9 ;

- (vii) the General Manager, Chittaranjan Locomotive Works, *ex-officio* ;
- (viii) the General Manager, Indian Iron and Steel Company Limited, Burnpur, *ex-officio* ;
- ¹(ix) the General Manager, Durgapur Steel Project, Hindusthan Steel Limited, *ex-officio* ;
- ¹(x) the Coal Mining Adviser, Department of Mines and Fuel, Ministry of Steel, Mines and Fuel, Government of India, *ex-officio* ;
- (xi) former Vice-Chancellors of the University except those who may have expressed their unwillingness in writing to serve as members, *ex-officio* ;
- (xii) three Principals of affiliated colleges, not being Deans of Faculties of the University, to be appointed by the Chancellor in accordance with the provisions of sub-section (2) of section 9 ;
- (xiii) three persons to be elected in accordance with the provisions made in this behalf by Statutes, of whom—
 - (a) one shall be a Teacher of the University, not being a Dean of a Faculty of the University, and shall be elected by the Teachers of the University, and
 - (b) two shall be Teachers of Colleges not being Principals, and shall be elected by Teachers of Colleges ;
- (xiv) two persons to be elected in accordance with the provisions made in this behalf by Statutes by members of Governing Bodies of Colleges, not being Principals or Teachers of Colleges, from amongst themselves ;
- (xv) the President, Board of Secondary Education, West Bengal, *ex-officio* ; and
- (xvi) three persons having special interest in University or Technological education to be appointed by the Chancellor.

(2) The persons referred to in clauses (i) to (iv) and (vii) to (x) of sub-section (1) shall be the first members of the University.

(3) As soon as may be after the University has been first established, it shall take all necessary steps to enable the persons referred to in clauses (v), (vi), (xii), (xiii) and (xiv) of sub-section (1) to join as members of the University.

(4) The members of the University other than *ex-officio* members shall hold office for a term of two years from the date on which they are appointed or elected :

Provided that the members referred to in clauses (vi) ; (xii), ²[(xiii) and (xiv)] of sub-section (1) shall cease to hold office as

¹Clauses (ix) and (x) were substituted for the original clauses (ix) and (x) by sec. 4(1) of the Burdwan University (Amendment) Act, 1961 (West Ben. Act X of 1961).

²This word, figures and brackets were substituted for the word, figure and brackets "and (xiv)" by sec. 4(2) (a), *ibid.*

XXIX of 1959.]

(Chapter II.—The University.—Section 9.)

such as soon as they cease to hold office as Principals of constituent colleges or affiliated colleges, or as ¹[Teachers of the University or Colleges or as members of Governing Bodies of Colleges], as the case may be.

(5) Of the three members to be appointed under clause (xii) of sub-section (1), one shall be the Principal of a Government College, one shall be the Principal of a sponsored college while the third shall be the Principal of one of the other affiliated colleges. The State Government shall supply to the University lists of Government Colleges and sponsored colleges within the jurisdiction of the University and shall forthwith intimate to the University any changes that may occur in any such list from time to time.

Explanation.—For the purposes of this Act “sponsored college” means a college recognised as such by the State Government and included in a list furnished to the University by the State Government,

9. (1) The University shall maintain and keep up-to-date in such manner as may be prescribed by Statutes a register of the names of the Principals of constituent colleges and the names of all such Principals shall be entered therein in order of their seniority. The persons entered in the register, shall, except where they are Deans of Faculties, be entitled, in order of their seniority, to be appointed, by rotation, as members of the University as provided for in clause (vi) of sub-section (1) of section 8.

Registers
of Principals.

(2) The University shall in like manner maintain and keep up-to-date separate registers of the names of the Principals of all Government colleges, sponsored colleges, and other colleges, affiliated to it; and the names of all such Principals shall be respectively entered therein in order of their seniority. The persons entered in each of these registers shall, except where they are Deans of Faculties, be entitled, in order of their seniority, to be appointed, by rotation, as members of the University as provided for in clause (xiv) of sub-section (1) read with sub-section (5) of section 8.

(3) For the purposes of sub-section (1) or sub-section (2), the seniority of a person shall be calculated in consideration of the total period during which such person has served as a Principal in any institution teaching for a degree or post-graduate course of any University incorporated by law in India.

(4) If any question arises relating to the seniority of any person whose name is entered in a register referred to in sub-section (1) or sub-section (2), the question shall be decided by the University and an appeal from such decision shall, if preferred within thirty days from the date of such decision, lie to the Chancellor.

¹These words were substituted for the words “Teachers of the University, constituent colleges or affiliated colleges” by sec. 4(2) (i), of the Burdwan University (Amendment) Act 1961 (West Ben. Act X of 1961).

(Chapter II.—The University.—Sections 10—12.)

Registers
of Teachers
and
Members
of Govern-
ing Bodies
of Colleges.

10. The University shall maintain and keep up-to-date in such manner as may be prescribed by Statutes separate registers of the names of Teachers of the University, Teachers of Colleges and Members of Governing Bodies of Colleges not being Principals or Teachers of Colleges.

Disquali-
fication for
member-
ship.

11. (1) No person shall be qualified for appointment or election as a member of the University if, at the time of his appointment or election, he—

- (a) has been declared by a competent court to be of unsound mind ; or
- (b) is an undischarged insolvent ; or
- (c) has been convicted by a court of law for an offence which involves moral turpitude.

(2) If any member incurs any of the disqualifications enumerated in sub-section (1) after the date of his appointment or election, or if the Chancellor is satisfied that any member had been suffering from any such disqualification at the time of his appointment or election as such member, he shall be removed from his office as a member of the University by the Chancellor.

Casual
vacancies.

12. (1) If a casual vacancy arises by reason of any member appointed under clause (vi), clause (xii) or clause (xvi) of sub-section (1) of section 8 having,—

- (a) refused to serve as a member, or
- (b) died, or
- (c) resigned his office as a member, or
- (d) ceased to be a member under the proviso to sub-section (4) of section 8, or
- (e) been removed from his office as a member under sub-section (2) of section 11,

the Chancellor shall appoint a person, with the requisite qualifications to fill the vacancy.

(2) A person appointed under sub-section (1) to fill a casual vacancy shall, subject to the provisions of the proviso to sub-section (4) of section 8, hold office as a member for a period of two years from the date of his appointment as a member.

(3) If a casual vacancy arises in the seat of any member elected under clause (xiii) or clause (xiv) of sub-section (1) of section 8 for any of the reasons referred to in clauses (a), (b), (c), (d) or (e) of sub-section (1), such vacancy shall be filled by a person having the requisite qualifications to be elected by the body and in the manner referred to in clause (xiii) or (xiv), as the case may be.

(4) Any person elected under sub-section (3) to fill a casual vacancy shall, subject to the provisions of the proviso to sub-section (4) of section 8, hold office as a member for the unexpired period of the term of office of the member in whose place he is so elected.

XXIX of 1959.]

(Chapter II.—The University.—Section 13.—Chapter III.—Officers of the University.—Sections 14—17.)

13. No act or proceedings of the University or any subordinate authority of the University shall be ¹[called in question] or invalidated merely by reason of the existence of a vacancy or vacancies among its members or of any member not having been duly appointed ²[or elected] or having become disqualified.

Safeguard against invalidation of acts or proceedings of the University

CHAPTER III.

Officers of the University.

14. The following shall be the officers of the University :—

Officers of the University.

- (i) The Chancellor,
- (ii) The Vice-Chancellor,
- (iii) The Finance Officer,
- (iv) The Registrar, and
- (v) such other persons in the service of the University as the University may declare to be officers of the University.

15. The Governor of the State of West Bengal shall be ¹the Chancellor, when ²exercising any

The Chancellor.

section 16,—

1) in sub-section (2), for the words “the University may, subject to the approval of the Chancellor, appoint one of its members”, substitute the words “the Chancellor in consultation with the Minister may appoint any person”;

shall be The Vice-Chancellor.
Minister.
Salary and
hold office

2) in sub-section (3), for the words beginning with the words “the Chancellor shall” and ending with the words “of the Vice-Chancellor” substitute the following namely:—

illness or
wars and
y, subject
members
e Vice-

“the Chancellor in consultation with the Minister shall, until a new Vice-Chancellor is appointed under sub-section (1), authorise any person to exercise the powers and perform the duties of the Vice-Chancellor”.

Chancellor
on of his
w Vice-
University
perform
his duties

(Substituted by West Ben. Act II of 1970, section 2.)

[No. 9, dated the 1st October, 1973.]

1. The Chancellor shall be the academic head of the University. He shall, in the absence of the Chancellor, preside at meetings of the University including any convocation of the University. He shall be an *ex-officio*

e officer Powers and
academic duties of
the Vice-
Chancellor.

¹These words were substituted for the words “called into question” by sec. 5(1) of the Burdwan University (Amendment) Act, 1961 (West Ben. Act X of 1961).

²These words were inserted by sec. 5(2), *ibid.*

[West Ben. Act

(Chapter III.—Officers of the University.—Sections 18, 19.)

member and Chairman of such subordinate authorities constituted by the University as may be prescribed and shall be entitled to be present at, and to address, any meeting of any other subordinate authority of the University but shall not be entitled to vote thereat.

(2) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act and the Statutes, Ordinances, Regulations and Rules made thereunder are duly observed and he shall exercise general control over the affairs of the University and exercise all such powers as may be necessary for this purpose.

(3) In any emergency which in the opinion of the Vice-Chancellor requires that immediate action should be taken, he may take such action as he may deem necessary and shall at the earliest opportunity report his action to the authority which would have ordinarily dealt with the matter :

Provided that where any such action taken by the Vice-Chancellor prejudicially affects any person in the service of the University, such person shall be entitled to prefer, within thirty days from the date on which he receives notice of such action, an appeal to the University.

Finance
Officer.

18. (1) The Finance Officer shall be appointed by the University. He shall be a whole-time officer of the University and shall be paid such salary from the University Fund and hold office for such period as the University may decide.

(2) If the Finance Officer is by reason of leave, illness or other cause, unable to exercise the powers and perform the duties of his office, the University may appoint a person temporarily to exercise his powers and perform his duties.

Powers and
duties of
the
Finance
Officer.

19. (1) The Finance Officer shall exercise general supervision over the University Fund and advise the University in regard to all financial matters concerning the University.

(2) The Finance Officer shall, subject to the control of the University, manage the property and investments of the University. He shall be responsible for the preparation of the annual budget and the annual accounts.

(3) Subject to the control of the University, the Finance Officer shall be responsible for seeing that all monies are expended for the purpose for which they have been granted or allotted.

(4) Save as may be otherwise prescribed, all contracts shall be signed by the Finance Officer on behalf of the University.

(5) The Finance Officer shall exercise such other powers as may be prescribed.

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(Chapter III.—Officers of the University.—Section—20.—Chapter IV.—Statutes, Ordinances, Regulations and Rules.—Section 21.)

20. (1) The Registrar shall be appointed by the University. He shall be a whole-time officer of the University and shall be paid such salary from the University Fund and shall hold office for such period as the University may decide.

The Registrar.

(2) The Registrar shall exercise such powers and perform such duties as may be prescribed.

(3) If the Registrar is, by reason of leave, illness or other cause, unable to exercise the powers and perform the duties of his office, the University may appoint a person temporarily to exercise his powers and perform his duties.

CHAPTER IV.

Statutes, Ordinances, Regulations and Rules.

21. (1) The University may make Statutes, Ordinances, Regulations and Rules for the purpose of duly carrying out the provisions of, or exercising the powers conferred on it by, this Act.

Statutes, Ordinances, Regulations and Rules—how made.

(2) The University may delegate to a subordinate authority constituted by it the power to make Ordinances, Regulations or Rules to such extent as it may consider necessary and may, at any time, withdraw the power so delegated, or cancel any such Ordinance, Regulation or Rule made by a subordinate authority.

(3) Every Statute or Ordinance made under this Act shall, before it is given effect to, be submitted to the Chancellor and shall be modified or amended in such manner as may be suggested by the Chancellor.

(4) The Chancellor may, at any time after an Ordinance has been made, signify to the University his disallowance of such Ordinance, and from the date of receipt by the University of intimation of such disallowance, such Ordinance shall cease to have effect.

(5) Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :—

- (a) the constitution, duties and powers of the subordinate authorities which may be constituted by the University ;
- (b) the subordinate authorities of which the Vice-Chancellor shall be an *ex-officio* member and Chairman ;
- (c) the filling of vacancies of members of the subordinate authorities and all other matters relating to those authorities ;

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(Chapter IV.—Statutes, Ordinances, Regulations and Rules.—Section 21.)

- (d) the appointment, powers and duties of the officers of the University other than the Chancellor and the Vice-Chancellor ;
- (e) the constitution of a pension, insurance or provident fund for the benefit of the Officers, Teachers and other employees of the University ;
- (f) the conferment of honorary degrees ;
- (g) the ¹[institution and conferment of degrees, diplomas, titles, certificates] and other academic distinctions ;
- (h) the establishment and abolition of Faculties, Departments of Studies, colleges, libraries, museums and other institutions ;
- (i) the maintenance of registers of Government colleges, sponsored colleges, constituent colleges and affiliated colleges and the names of the Principals thereof ;
- (j) the maintenance of a register of Teachers of the University, not being Deans of Faculties of the University, and a register of Teachers of Colleges, not being Principals of Colleges, and the procedure to be followed for the election of the members of the University referred to in clause (xiii) of sub-section (1) of section 8 ;
- (k) the maintenance of a register of Members of Governing Bodies of Colleges not being Principals or Teachers of Colleges and the procedure to be followed for the election of the members referred to in clause (xiv) of sub-section (1) of section 8 ;
- (l) the conditions under which colleges and other institutions may be recognised or affiliated by the University, and the withdrawal of such recognition or affiliation ;
- (m) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes ;
- (n) the calling of meetings of the University and the giving of notice thereof to the members of the University and the quorum and procedure at such meetings ;
- (o) contracts by the University and the execution thereof ;
- (p) annual report of the University ;
- (q) qualifications of Teachers including Teachers of the University ;
- (r) the fees to be charged for courses of study in the University and in colleges and for admission to the examinations for degrees and diplomas of the University ;

¹These words were substituted for the words "withdrawal of degrees, diplomas, certificates" by sec. 6 of the Burdwan University (Amendment) Act, 1961 (West Ben. Act X of 1961).

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(Chapter IV.—Statutes, Ordinances, Regulations and Rules.—Section 21.)

- (s) the manner of exemption from study referred to in sub-clause (a) of clause (6) of section 4 ; and
 - (t) all other matters which by or under this Act are or may be provided for by Statutes.
- (6) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely :—
- (a) the admission of students to the University and their enrolment as such ;
 - (b) the courses of study to be laid down for all degrees, diplomas and certificates of the University ;
 - (c) the courses, diplomas, certificates and other academic distinctions to be awarded by the University, the qualifications for the same, and the examinations and papers, if any, to be passed and submitted relating to the granting and obtaining of the same ;
 - (d) the conditions of the award of fellowships, scholarships, studentships, exhibitions, medals and prizes ;
 - (e) the conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators ;
 - (f) the maintenance of discipline among the students of the University and the colleges ;
 - (g) the conditions of residence of students at the University and the colleges ;
 - (h) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students, and the prescribing for them of special courses of study ;
 - (i) the emoluments, and the terms and conditions of service of Teachers of the University ;
 - (j) the management of colleges and other institutions founded or maintained by the University ;
 - (k) the supervision and inspection of colleges and other institutions ; and
 - (l) all other matters which by this Act or the Statutes are to be or may be provided for by Ordinances.
- (7) Subject to the other provisions of this Act and the provisions of the Statutes and the Ordinances, Regulations may be made to provide for all or any of the following matters :—
- (a) the procedure to be observed at the meetings of a subordinate authority and the number of members required to form a quorum ;

[West Ben. Act**(Chapter V.—The University Fund, Annual Report and Accounts.—Sections 22—24.)**

- (b) the calling of meetings of such subordinate authority, and the giving of notice to its members of the dates of the meetings and of the business to be considered thereat and for the keeping of a record of the proceedings of such meetings ;
 - (c) matters which by this Act, the Statutes or the Ordinances are required to be prescribed by Regulations ; and
 - (d) all other matters solely concerning a subordinate authority or committees appointed by it and not provided for by this Act, the Statutes or Ordinances.
- (8) Subject to the provisions of this Act and the provisions of the Statutes, the Ordinances and the Regulations, Rules may be made for the purpose of duly carrying out the provisions of, or exercising the powers conferred by, this Act or to provide for matters which, by the Statutes, the Ordinances or the Regulations, are required to be prescribed by Rules.

CHAPTER V.**The University Fund, Annual Report and Accounts.**

Fund
of the
Univer
sity.

22. (1) The University shall have a fund, elsewhere in this Act referred to as the University Fund.

(2) All monies received by the University by way of fees, fines, endowments, grants, donations, bequests or loans or on any other account whatsoever, shall be credited to, and all expenditure incurred by the University shall be paid out of, the University Fund.

Annual
Report.

23. The annual report of the University shall be prepared under the direction of such subordinate authority or officer and shall be submitted to the University on or before such date as may be prescribed. The annual report shall be considered by the University at a meeting.

Annual
Accounts
and
budget.

24. (1) As soon as may be after the close of a year, the accounts of the University for that year shall be audited by an auditor appointed by the State Government or in such other manner as the State Government may direct.

(2) The University shall consider the audited annual accounts at a meeting and may take such action thereon as it thinks fit.

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(Chapter VI.—Supplementary Provisions.—Sections 25, 26.)

(3) The budget for each year shall be presented to and considered by the University at a meeting convened for the purpose not less than one month before the end of the preceding year. The University may take such action thereon as it may deem fit.

(4) Copies of the budget as passed by the University and the audited accounts together with copies of the audit report, shall be submitted to the Chancellor and to the State Government.

(5) The State Government may require the University to supply to it any information in regard to the accounts and the budget and the University shall comply with such requisition.

CHAPTER VI.

Supplementary Provisions.

25. (1) The State Government shall have the right to cause an inspection to be made by such person or persons as it may direct, of the University, its buildings, laboratories and equipment, and of any college or other institution, and also of the examinations, teaching and other work conducted or done by the University, and may cause an inquiry to be made in like manner in respect of any matter connected with the University :

Visit and
Inspection.

Provided that the State Government shall, in every such case, give notice to the University of its intention to cause an inspection or inquiry to be made and the University shall be entitled to be represented thereat.

(2) The State Government shall communicate to the University its views with reference to the results of any such inspection or inquiry, and shall, after ascertaining the opinion of the University thereon, advise the University upon the action, if any, to be taken.

(3) The University shall report to the State Government the action, if any, which is proposed to be taken or has been taken by it upon the advice given under sub-section (2).

(4) When the University does not, within a reasonable time, take action to the satisfaction of the State Government, the State Government may, after considering any explanation furnished or representation made by the University, issue such directions in writing as it may think fit and the University shall comply with those directions.

26. Except as otherwise provided under this Act or the Statutes, every salaried officer other than the Vice-Chancellor and every Teacher of the University shall be appointed under a written contract which shall be lodged with the University and a copy thereof shall be furnished to the officer or Teacher concerned.

Contract
of service
for officers
and
Teachers.

[West Ben. Act XXIX of 1959.]

(Chapter VI.—Supplementary Provisions.—Sections 27—29.)

Board of
Arbitra-
tors.

27. Every dispute arising out of a contract between the University and any of its officers or Teachers shall be referred to a Board of Arbitrators consisting of one member appointed by the University, one member nominated by the officer or Teacher concerned and an umpire appointed by the Chancellor and the decision of the Board on such dispute shall be final, and no suit shall lie in any Civil Court in respect of the matters decided by the Board.

Pension
and
provident
funds.

28. (1) The University shall constitute for the benefit of its officers (including the Vice-Chancellor), Teachers and other servants, in such manner and subject to such conditions as may be prescribed, such pension, insurance or provident funds as it may deem fit.

(2) Where a provident fund has been constituted by the University for the benefit of its officers, Teachers and other servants of the University, the provisions of the Provident Funds Act, 1925 shall apply to such fund as if the fund were a Govern-

19 of 1925.

Power to
remove
difficulties.

29. If any difficulty arises with respect to the establishment of the University or any subordinate authority of the University or to the transaction of any business of the University, the Vice-Chancellor may refer the same to the Chancellor who may thereupon issue such direction or cause such action to be taken as appears to him to be necessary or expedient for resolving the difficulty.

West Bengal Act XXX of 1959¹

THE WEST BENGAL CHILDREN ACT, 1959

An Act to consolidate and amend the law relating to the custody protection, treatment and rehabilitation of juvenile delinquents and of other children in need of care and protection, the trial of juvenile delinquents and certain other matters.

[3rd January, 1961.]

WHEREAS it is expedient to consolidate and amend the law relating to the custody, protection, treatment and rehabilitation of juvenile delinquents and of other children in need of care and protection, the trial of juvenile delinquents and certain other matters specified herein, including the education of such juvenile delinquents and other children ;

It is hereby enacted in the Tenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

CHAPTER I.

Preliminary.

1. (1) This Act may be called the West Bengal Children Act, 1959.

Short title,
extent and
commen-
cement.

(2) It extends to the whole of West Bengal.

(3) This section shall come into force at once. The remaining provisions of this Act shall come into force in such area or areas and on such date or dates as the State Government may, by notification in the *Official Gazette*, appoint, and different dates may be appointed for different provisions of this Act or for different areas.

2. In this Act, unless there is anything repugnant in the subject or context—

Definitions.

(a) "adult" means a person who is not less than eighteen years of age ;

(b) "borstal school" means a borstal school established or certified by the State Government under section 7, intended for the reception of juvenile delinquents of and above the age of fourteen years ;

(c) "certified school" means a reformatory, industrial or borstal school, certified under section 7 ;

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 26th May, 1958, Part IVA, page 1897 ; for the Report of the Joint Select Committee on the Bill, see the *Calcutta Gazette, Extraordinary* of 16.12.58, Part IVA, pages 5717-5740. For proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 9th July, 1958 and the 24th and 25th November, 1959 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meetings of that Council held on the 18th July, 1958 and the 8th December, 1959.

²The following provisions of this Act came into force :—

(i) certain sections on the 1st July, 1961, in Calcutta, Howrah and certain other places of Howrah and 24-Parganas. *vide* notification No. 1955 S.W./LH—15/60, dated the 22nd June 1961 ; published in the *Calcutta Gazette, Extraordinary* of 1961, Part I, pages 1607-1608.

(For further entries under foot note 2, see next page).

(Chapter I.—Preliminary.—Section 2.)

- (d) “child” means a person who has not attained the age of eighteen years ;
- (e) “guardian” in relation to a child includes a person who, in the opinion of the Court having cognizance of any proceeding in relation to the child has for the time being the actual charge of, or control over, that child ;
- (f) “industrial school” means an industrial school established or certified by the State Government under section 7, intended for the reception of children of and above the age of fourteen years, who are not juvenile delinquents ;
- (g) “juvenile court” means a court established under section 4 ;
- (h) “juvenile delinquent” means a child who has been found to have committed an offence ;
- (i) “neglected child” means a child who—
 - (i) is found in any street or place of public resort begging or receiving alms ; or
 - (ii) has no home or settled place of abode or is found wandering without any ostensible means of subsistence, or is found destitute, whether he is an orphan or not ; or
 - (iii) has a parent or guardian who is unfit to exercise or does not exercise proper care and control over the child or forces, persuades, encourages or abets the child to lead an immoral or depraved life ; or
 - (iv) lives in a brothel or with a prostitute or frequents a place used for the purpose of prostitution, or is found to associate with any prostitute or any other person who leads an immoral, drunken, depraved or criminal life ;
- (j) “prescribed” means prescribed by rules made by the State Government under this Act ;
- (k) “reception home” means any institution or place established or recognised by the State Government under section 18 for the temporary reception of a child ;

(h) all the provisions, except secs. 9, 10, 20, 34 and 45, on the 14th February, 1963 in the Sealdah Government Railway Police District. *Vide* notification No. 284—S.W./LH 43/61, dated the 8th February, 1963, published in the *Calcutta Gazette, Extraordinary*, of 1963, Part I, page 379.

(c) sec. 34 from the 1st April, 1963 in Calcutta, Municipality of Howrah, Police Stations of Bally, etc. in the district of Howrah, Police Stations of Baranagore, etc. in the district of 24 Parganas and the Sealdah Government Railway Police. *Vide* notification No. 479—S.W./4A 4/63, dated the 15th March, 1963, published in the *Calcutta Gazette, Extraordinary* of 1963, Part I, pages 575-576.

of 1959.]

(Chapter 1.—Preliminary.—Section 3.—Chapter II.—Courts and certain institutions under this Act.—Sections 4—7.)

(1) “reformatory school” means a reformatory school established or certified by the State Government under section 7, intended for the reception of juvenile delinquents or of children other than juvenile delinquents, who have not attained the age of fourteen years.

3. Notwithstanding anything to the contrary contained in this Act, if during the course of any proceeding under this Act a child attains the age of eighteen years, the proceeding may be continued and orders may be made under this Act in respect of him as if he was a child.

Continuation of proceedings in respect of a child on his attaining eighteen years.

CHAPTER II.

Courts and certain institutions under this Act.

V of

4. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, the State Government may, by notification in the *Official Gazette*,¹ establish for any area specified in the notification one or more juvenile courts for holding inquiries regarding children in pursuance of this Act.

Juvenile Courts.

(2) A Magistrate of the first class or a Presidency Magistrate who is considered to be suitable by the State Government shall be appointed by the State Government to preside over a juvenile court.

5. The powers conferred on courts by this Act shall be exercised—

Jurisdiction.

(a) in any area for which a juvenile court has been established, by such court only,

(b) in any other area, by—

(i) the High Court, or

(ii) a Court of Session, or

(iii) a Presidency Magistrate, or

(iv) a Magistrate of the first class, having jurisdiction to try the case.

6. When a child is brought before a Magistrate or Court not empowered to pass an order under this Act, such Magistrate or Court shall forward the child to the nearest juvenile court or other Court or Magistrate having jurisdiction.

Procedure when Magistrate or Court is not empowered to pass order under this Act.

7. (1) The State Government may establish and maintain as many reformatory, industrial and borstal schools as it may consider necessary for the reception of juvenile delinquents and of other children, who may be sent there in pursuance of this Act.

Establishment and certification of schools.

¹For notification establishing a Juvenile Court, see notification No. 5708J, dated 29.8.61, published in the *Calcutta Gazette* of 1961, Part I, page 3232.

[West Ben. Act

*(Chapter II.—Courts and certain institutions under
this Act.—Sections 8—10.)*

(2) Where the State Government is of opinion that any reformatory, industrial or borstal school not established under sub-section (1) is fit for the reception of juvenile delinquents or of other children dealt with under this Act, the State Government may certify such school to be a reformatory, industrial or borstal school, as the case may be, for the purposes of this Act.

(3) Reformatory schools established or certified under sub-section (1) or sub-section (2) shall be of two different classes namely :—

- (a) reformatory schools for the reception of juvenile delinquents, and
- (b) reformatory schools for the reception of children other than juvenile delinquents.

Management of schools.

8. (1) For the control and management of every school established under sub-section (1) of section 7, a superintendent and a committee of as many persons including the superintendent as the State Government may fix shall be appointed by the State Government, and the members of such committee shall be deemed to be the managers of the school for the purposes of this Act.

(2) The appointment of persons connected with the control and management of any school certified under sub-section (2) of section 7 shall be made with the approval of the State Government and the persons whose appointment is so approved shall be deemed to be the managers of the school for the purposes of this Act.

Board of Visitors.

9. (1) For every school established or certified under section 7, the State Government shall appoint a Board of Visitors, constituted in such manner and consisting of such number of members as may be prescribed, to visit the school and to record their comments on any matter they may think fit for the consideration of the managers of the school, and for this purpose any member of the Board of Visitors shall have the right to visit the school at any time between the hours of sunrise and sunset.

(2) Copies of comments of the Board of Visitors referred to in sub-section (1) shall, as soon as may be after they are recorded, be forwarded by the managers of the school to the State Children's Board referred to in section 10.

State Children's Board.

10. The State Government shall appoint a Board to be called the State Children's Board, West Bengal, constituted in such manner and consisting of such number of members as may be prescribed, to advise the State Government generally in regard to the administration of this Act and more particularly in regard to the control and management

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*(Chapter II.—Courts and certain institutions under this Act.—
Sections 11—14.)*

of the schools established or certified under section 7, after considering the comments of the various Boards of Visitors forwarded to it under sub-section (2) of section 9.

11. (1) The State Government may appoint a Chief Inspector of reformatory, industrial and borstal schools and as many Inspectors and Assistant Inspectors as it thinks fit, to assist the Chief Inspector :

Inspection
of schools.

Provided that one of such Inspectors and Assistant Inspectors shall be a woman.

(2) Every such school shall be inspected at least once in every three months by the Chief Inspector or by an Inspector or Assistant Inspector :

Provided that when any school is used for the reception of girls only, such inspection shall be conducted either by the Chief Inspector or by an Inspector or Assistant Inspector who is a woman.

12. Every inmate of a school established or certified under section 7 shall, as soon as may be after admission therein and at such intervals thereafter as may be prescribed and also whenever so required by the managers of the school, be examined by a Medical Officer authorised in this behalf by the State Government, and a report of such medical examination shall forthwith be sent by the Medical Officer to the managers of the school as well as to the Chief Inspector :

Medical
Examina-
tion of
inmates of
Schools.

Provided that in the case of schools for the reception of girls only such Medical Officer shall, whenever practicable, be a woman.

13. The State Government, if dissatisfied with the conditions and management of a certified school and after considering any representation which may be submitted by the managers thereof, may by notice served on the managers declare that the certificate is withdrawn with effect from such date as may be specified in the notice and on such notice being served the school shall cease to be a certified school from such date :

Power of
State
Govern-
ment to
withdraw
certificate.

Provided that the State Government may, instead of so withdrawing the certificate in respect of any certified school, by order, prohibit the admission of juvenile delinquents or other children to the school for such time as may be specified in the order or until the order is revoked.

14. The managers of a certified school may, after giving six months' notice in writing to the State Government, through the Chief Inspector, of their intention so to do, surrender the certificate of the school and on such surrender the school cease to be a certified school.

Surrender
of
certificate
by
managers.

[West Ben. Act*(Chapter II.—Courts and certain institutions under this Act.—**Sections 15—20.)*

Effect of
with-
drawal or
surrender
of certifi-
cate or
of a
prohibitory
order.

15. No juvenile delinquent or other child shall be received into a certified school after the date of the receipt, by the managers of the school, of a notice of withdrawal of the certificate of the school, or after the date of issue of a notice of intended surrender of the certificate or after the date of receipt of a prohibitory order under the proviso to section 13, during the period for which such order remains operative :

Provided that the obligation of the managers of the school, mentioned in section 17, shall, except so far as the State Government may otherwise direct, continue until the withdrawal or surrender of the certificate takes effect.

Disposal of
inmates
when
school
ceases
to be
certified.

16. When a school ceases to be a certified school, the juvenile delinquents or other children detained therein may, by order of the State Government, be discharged unconditionally or on such conditions as the State Government may impose, or be transferred to some other reformatory, industrial or borstal school whether located in the State or not in accordance with the provisions of this Act.

Obligation
of the
managers.

17. It shall be the duty of the managers of every reformatory, industrial or borstal school to provide the juvenile delinquents and other children detained therein with accommodation, maintenance and such other facilities as may be prescribed for their education, training and welfare.

Reception
Homes.

18. (1) The State Government may establish and maintain as many reception homes as it may consider necessary for the temporary reception of juvenile delinquents and of other children.

(2) If the State Government is of opinion that any institution or place not established under sub-section (1) is fit for the temporary reception of juvenile delinquents or of other children, the State Government may by order recognise such institution or place as a reception home for the purposes of this Act and may by like order withdraw such recognition.

Disposal of
inmates
when
reception
homes
cease to be
recognised.

19. When a reception home ceases to be a recognised reception home by reason of withdrawal of recognition or otherwise, the juvenile delinquents or the other children detained therein may, by order of the State Government, be discharged unconditionally or on such conditions as the State Government may impose or be transferred to some other reception home in accordance with the provisions of this Act.

After-
care
organisa-
tions.

20. (1) The State Government may, in accordance with such rules as may be made in this behalf, establish or recognise after-care organisations for the welfare, training and social and economic rehabilitation of juvenile delinquents and other children discharged from reformatory, industrial or borstal schools.

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*(Chapter II—Courts and certain institutions under this Act.—
Section 21.—Chapter III.—Juvenile delinquents.—Section 22.)*

(2) The powers and duties of after-care organisations established or recognised under sub-section (1) shall be such as may be prescribed.

21. (1) The State Government may appoint as many Probation Officers as it may think fit to visit juvenile delinquents and other children taken charge of—

Probation officers.

(i) by after-care organisations established or recognised under section 20, or

(ii) by parents, guardians or other persons, having been temporarily released from reformatory, industrial or borstal schools on probation on the execution of bonds or otherwise,

and to report to the State Government as to the conduct of such juvenile delinquents and other children and the circumstances in which they live.

(2) The Probation Officers appointed under sub-section (1) shall have such other powers and duties as may be prescribed.

CHAPTER III.

Juvenile delinquents.

22. (1) When a child is arrested or detained on a charge for any offence, whether bailable or not, or appears or is brought before a Court, such child may be released on bail with or without sureties, but he shall not be so released if there appear reasonable grounds for believing that the release is likely to bring him under the influence of any criminal or expose him to moral danger or defeat the ends of justice.

Bail and custody of children pending inquiry.

(2) When such a child having been arrested is not released on bail under sub-section (1) by the officer-in-charge of the police-station, such officer shall cause him to be kept in a reception home in the prescribed manner, but not in the police-station or jail, until he can be brought before a Court :

Provided that such child shall be produced before the nearest court having jurisdiction within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court.

(3) When such child is not released on bail under sub-section (1) by the Court, it shall, instead of committing him to prison, order him to be sent to a reception home during the pendency of the inquiry into the charge against him.

[West Ben. Act

(Chapter III.—Juvenile delinquents.—Sections 23—25.)

Information to,
and
attendance
in Court, of
parent or
guardian.

23. When a child is arrested, the officer-in-charge of the police-station to which he is brought, shall forthwith inform the parent or guardian, if he can be found, of such arrest and shall cause him to be summoned to the Court before which the child will appear :

Provided that nothing in this section shall be deemed to require the attendance of the mother or the female guardian of the child if, according to the local manners and customs, she does not appear in public, but any such person may appear before the Court by a duly authorised pleader or agent.

Sentence
that may
not be
passed
against
juvenile
delinquents.

24. Notwithstanding anything to the contrary contained in any law for the time being in force,—

- (1) no juvenile delinquent shall be sentenced to death ;
- (2) no juvenile delinquent shall be sentenced to imprisonment or committed to prison in default of payment of fine or in default of furnishing security :

Provided that where the Court is satisfied that the offence committed by the juvenile delinquent is of so serious a nature or that he is so unruly or of so depraved a character that he is not a fit person to be sent to a reformatory or borstal school, the Court may sentence him to imprisonment for a period not exceeding the maximum period of imprisonment to which he could have been sentenced for the offence committed, and the Court shall report the case to the State Government and direct the juvenile delinquent to be detained in such custody as it may think fit ; and

- (3) on receipt of a report from the Court under clause (2), the State Government may make such arrangement in respect of such juvenile delinquent as it deems proper and may at any time order him to be released from custody on such conditions, if any, as the State Government may think fit to impose.

Inquiry by
Court
regarding
juvenile de-
linquents.

25. Where a child having been charged with an offence appears or is produced before a Court, the Court shall hold the inquiry in accordance with the provisions in the Code of Criminal Procedure, 1898, for the trial of a summons case.

XXX of 1959.]

(Chapter III.—Juvenile delinquents.—Section 26.)

26. (1) Where the Court is satisfied on inquiry that a child has committed an offence, then notwithstanding any provision to the contrary relating to the punishment for such offence contained in any law for the time being in force, the Court may—

Orders
that may
be passed
regarding
juvenile
delin-
quents.

- (a) make an order directing the juvenile delinquent to be sent to a reformatory or borstal school, as the case may be, to be detained there for a period which shall not be less than two or more than five years :

Provided that where a juvenile delinquent attains the age of fourteen years before the expiry of the period of his stay in a reformatory school he shall be transferred to a borstal school to be detained there for the unexpired period :

Provided further that the State Government may, if satisfied on the report of the managers of a school about the need for further detention of a child who has been dealt with as a juvenile delinquent, extend the term of his detention to any period not beyond the age of twenty-one years and may transfer him, if necessary, having regard to his age, from a reformatory to a borstal school ; or

- (b) make an order discharging the juvenile delinquent after due admonition ; or
- (c) direct the juvenile delinquent to be released on probation of good conduct and placed under the care of a parent, guardian or other person considered by the Court to be a fit person on such parent, guardian or other person executing a bond, with or without sureties as a Court may require, for the good behaviour and proper training of the juvenile delinquent for a period not exceeding three years ; or
- (d) order the juvenile delinquent, if he is above the age of fourteen years and is lawfully employed, to pay such fine not exceeding one hundred rupees as the Court may think fit to impose and in default of payment to be detained in a borstal school for such period as the Court may direct ; or
- (e) order the parent or guardian of the juvenile delinquent, if such delinquent be under fourteen years of age, to pay such fine not exceeding one hundred rupees as the Court may think fit to impose, provided that no such order shall be passed unless the Court is satisfied that the parent or guardian has failed to exercise proper control or has neglected the juvenile delinquent and that he has sufficient means to pay the fine imposed.

(Chapter III.—Juvenile delinquents.—Sections 27, 28.—
Chapter IV.—Neglected Children.—Section 29.)

(2) Where the Court makes an order under clause (c) of sub-section (1), it may further direct that the juvenile delinquent be placed under the supervision of a person to be appointed by the Court with his consent for such period as may be specified in the order :

Provided that if at any time within three years of such order it appears to the Court on receiving information from the person appointed by the Court or otherwise that the juvenile delinquent has not been of good behaviour, it may, after such inquiry as it deems fit, order the juvenile delinquent to be sent to a reformatory or borstal school to be detained there for such period, as the Court may direct.

(3) An order under clause (c) of sub-section (1) may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(4) Any order directing that a parent or guardian shall pay a fine under this section may be executed in accordance with the provisions of the Code of Criminal Procedure, 1898.

Proceedings under Chapter VIII of Act V of 1898 not to be instituted against child.

27. Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1898, no proceeding shall be instituted and no order shall be passed against a child under Chapter VIII of the said Code.

Act V of 1898.

Prohibition of joint trial of child and adult.

28. (1) Notwithstanding anything to the contrary contained in section 239 of the Code of Criminal Procedure, 1898, or any other law for the time being in force, no child shall be charged with, or tried for, any offence together with an adult.

(2) Where a child and an adult are accused of an offence for which under section 239 of the Code of Criminal Procedure, 1898, or any other law for the time being in force, they would, but for the prohibition contained in sub-section (1), be charged and tried together, the Court taking cognizance of the offence shall direct separate trials of the child and the adult.

CHAPTER IV.

Neglected Children.

Production of a neglected child before Court.

29. (1) Any police officer or other person authorised by the State Government in this behalf may, if there are reasonable grounds to believe that a person is a neglected child, take that child into custody for bringing him before a Court.

XXX of 1959.]

(Chapter IV.—Neglected Children.—Sections 30, 31.)

(2) Every child taken into custody under sub-section (1) shall be brought before a Court within a period of twenty-four hours of such taking into custody excluding the time necessary for the journey to the Court from the place where the child has been taken into custody.

30. (1) If a neglected child has a parent or guardian, the police officer or a person authorised under sub-section (1) of section 29 may, instead of taking the child into custody under that sub-section, make a report to a Court for an inquiry regarding the child.

Procedure to be followed when neglected child has a parent or guardian.

(2) On receipt of a report under sub-section (1) or on its own knowledge or information a Court may call upon the parent or guardian to produce the child before it and to show cause why the child should not be dealt with as a neglected child under the provisions of this Act, and if it appears to the Court that the child is likely to be removed from its jurisdiction or to be concealed, it may issue a warrant for taking the child into custody and for sending him to a reception home.

31. (1) When a neglected child is produced before a Court, it shall examine the police officer or the authorised person, as the case may be, who produced the child before the Court or made the report, and record the substance of such examination and may send the child to a reception home pending further inquiries.

Inquiry by Court regarding neglected children and power of commitment to reformatory or industrial school.

(2) On the date fixed for such further inquiries or on any subsequent date to which the proceedings may be adjourned, the Court shall hear and record all evidence which may be adduced and consider any cause which may be shown under sub-section (2) of section 30.

(3) If the Court is satisfied on such inquiry that the child is a neglected child and that it is expedient to deal with him accordingly, the Court may make an order directing that the child shall be sent to and kept in a reformatory or an industrial school, as the case may be, and that the period of this stay in such school shall, save as hereinafter otherwise provided, extend up to the time when he attains the age of eighteen years :

Provided that the Court may, for reasons to be recorded in writing, shorten the period of his stay in a reformatory or an industrial school :

Provided further that where a child attains the age of fourteen years before the expiry of the period of his stay in a reformatory school, he shall be transferred to an industrial school, to be kept there for the unexpired period.

[West Ben. Act

(Chapter IV.—Neglected Children.—Sections 32—34.—Chapter V.—Maintenance and treatment of children in reformatory, industrial or borstal schools or under custody.—Section 35.)

Power to
commit
neglected
child to
suitable
custody.

32. (1) The court may, instead of making an order under sub-section (3) of section 31, make an order directing the child to be placed under the care of the parent or the guardian or any other person considered by the Court to be a fit person, on such parent, guardian or other person executing a bond with or without sureties, for the good behaviour and proper training of the child for such period and on such condition as may be specified in the order.

(2) When making an order under sub-section (1) or at any time thereafter, the Court may also direct that the child be placed under the supervision of a person to be appointed by the Court with his consent for such period as may be specified in the order :

Provided that if at any time within such period it appears to the Court on receiving information from the person appointed by the Court or otherwise that the child has not been of good behaviour or that there has been a breach of any of the conditions of the bond, it may, after such inquiry as it deems fit, order him to be sent to a reformatory or industrial school, as the case may be, to be kept there until he attains the age of eighteen years.

Power of
State
Govern-
ment to
direct
release of a
neglected
child kept
in a refor-
matory or
industrial
school.

33. The State Government may make an order directing the release, on such conditions as may be specified in the order, of a child, who, having been dealt with by a Court under sub-section (3) of section 31 or under the proviso to sub-section (2) of section 32 has been kept in a reformatory or industrial school.

Uncon-
trollable
children.

34. Where a parent or guardian of a child complains to a Court that he is not able to control the child, the Court may send the child to a reception home pending inquiry into the case and may on completion of the inquiry make an order under sub-section (3) of section 31.

CHAPTER V.

Maintenance and treatment of children in reformatory, Industrial or borstal schools or under custody.

Contri-
bution of
parent or
guardian
for main-
tenance.

35. (1) The Court, which makes an order for sending a juvenile delinquent or other child to a reformatory, industrial or borstal school or for placing a juvenile delinquent or other child under the care of a fit person other than a parent or guardian may order the parent or the guardian who is responsible for the maintenance of such juvenile delinquent or child to pay such sum to such person or such authority as it may direct for his maintenance.

XXX of 1959.]

(Chapter V.—Maintenance and treatment of children in reformatory, industrial or borstal schools or under custody.—Section 36.)

(2) The Court, before making any order under sub-section (1), shall inquire into the circumstances of the parent or guardian in his presence, or when his personal attendance is dispensed with, in the presence of his pleader or agent.

Act V of
1959.

(3) Where an order for the maintenance of a juvenile delinquent or other child has been made under section 488 of the Code of Criminal Procedure, 1898, the Court shall not make an order under sub-section (1) but may order the whole or any part of the sums accruing due under the said order for maintenance to be paid to such person or such authority as it may direct and such sums shall be applied by him or it towards the maintenance of the juvenile delinquent or other child.

(4) An order made under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1898.

Explanation—The parent or guardian of a juvenile delinquent or other child shall, for the purposes of this section include, in the case of illegitimacy, his putative father.

36. (1) When a juvenile delinquent or other child is kept in a reformatory, industrial or borstal school, the State Government may, if it thinks fit, order that he be released from such school on such conditions as may be specified in the order and permit him to live with, or under the supervision of, any responsible person, named in the order willing to take charge of him with a view to training him for some useful trade or calling.

Placing
out juvenile
delinquent
or other
child.

(2) An order under sub-section (1) shall be in force for the period specified therein or until it is revoked.

(3) The State Government may, at any time, revoke an order made under sub-section (1) and direct the juvenile delinquent or other child to return to his school :

Provided that where a juvenile delinquent or other child, who was released from a reformatory school has already attained the age of fourteen years, he shall, on such revocation of the order under sub-section (1) be directed to be sent to a borstal school or an industrial school, as the case may be.

(4) When an order has been revoked and the juvenile delinquent or other child refuses or fails to return to the school to which he is directed under sub-section (3) to return, the State Government may cause him to be arrested and taken back to the school.

(5) The period during which a juvenile delinquent or other child is allowed to stay out as aforesaid shall be deemed to be part of the period of his stay in the school.

[West Ben. Act

(Chapter V.—Maintenance and treatment of children in reformatory, industrial or borstal schools or under custody.—

Sections 37, 38.)

Permission to a juvenile delinquent or other child to live temporarily with his parent or guardian.

37. (1) The State Government or any authority to which the State Government may delegate its powers in this behalf, may, on the recommendation of the managers of the school, permit a juvenile delinquent or other child sent to a reformatory, industrial or borstal school to live under the charge of his parent or guardian for any period not exceeding thirty days at a time excluding the time required for journeys and the days of departure from, and the arrival at, the school :

Provided that such permission shall not be granted, unless—

(i) the juvenile delinquent or other child has completed at least two years of stay in a reformatory, industrial or borstal school and his conduct has been in the opinion of the managers of the school uniformly satisfactory ;

(ii) the parent or guardian of such juvenile delinquent or other child executes a bond with or without sureties as the managers of the school may require, for the return of the juvenile delinquent or other child to the school on the expiry of the period for which he is permitted to live under the charge of such parent or guardian as the case may be ; and

(iii) in the case of a second or subsequent permission, not less than one year has elapsed from the date of the expiry of the previous permission.

(2) A juvenile delinquent or other child, who is permitted to live under the charge of his parent or guardian under sub-section (1) shall return on the due date to the school.

(3) The period during which a juvenile delinquent or other child is permitted to live under the charge of his parent or guardian under sub-section (1), shall be deemed to be part of the period of his stay in the school, provided that he returns to the school on the due date and his conduct has been found to be satisfactory during the period for which he was permitted so to live.

(4) Notwithstanding anything to the contrary in any law for the time being in force, any police officer not below the rank of an Assistant Sub-Inspector may without warrant take charge of a juvenile delinquent or other child, who fails to return to a reformatory, industrial or borstal school, as the case may be, after the expiry of the period for which he has been permitted under sub-section (1), to live under the charge of his parent or guardian and take him back to the school.

Escaped children.

38. Notwithstanding anything to the contrary contained in any law for the time being in force, any police officer may, without warrant, take charge of a

XXX of 1959.]

(Chapter V.—Maintenance and treatment of children in reformatory, industrial or borstal schools or under custody.—Section 39.—Chapter VI.—Miscellaneous.—Section 40.)

juvenile delinquent or other child, who has escaped from a reception home, reformatory, industrial or borstal school or from the custody of a person under whom he was placed by an order under this Act, and shall send him back to that home, school or person, as the case may be, and no proceeding shall be instituted or offence registered in respect of the juvenile delinquent or other child for such escape, but the authorities of the home or school or the person may, after giving information to the Court which passed the orders in respect of the juvenile delinquent or other child, take, subject to any orders that the Court may pass, such steps against him as may be deemed necessary by such authority or person.

39. (1) The State Government may, at any time, order a juvenile delinquent or other child to be discharged from a reformatory, industrial or borstal school, either absolutely or on such conditions as the State Government may think fit to impose.

Discharge
and
transfer.

(2) The State Government may order—

(a) a juvenile delinquent or other child to be transferred from one reformatory school to another, or from one industrial school to another, or from one borstal school to another whether located within the State or not :

Provided that a juvenile delinquent or other child domiciled in the State shall not, in the absence of any special reasons, be transferred to a school outside the State ;

(b) a juvenile delinquent or other child, the order for whose release has been revoked, to be sent to the reformatory, industrial or borstal school from which he was released or to any other reformatory, industrial or borstal school, as the case may be, so, however, that no such juvenile delinquent or other child shall, if he has attained the age of fourteen years, be directed to be sent to a reformatory school.

CHAPTER VI.

Miscellaneous.

40. Whenever any person is brought before a Court to be dealt with under any of the provisions of this Act as a child the Court shall make due inquiry as to the age of that person and also, for the purposes of section 41, as to his religious persuasion and shall, after taking such evidence

Presump-
tion and
deter-
mination
of age,

(West Ben. Act.

(Chapter VI.—Miscellaneous.—Sections 41—45.)

as may be forthcoming, record a finding whether the person is a child or not and what his age is. The age so found by the Court shall, for the purposes of this Act, be deemed to be the true age of such person.

Restric-
tions on
account of
religious
persuasion
of child.

41. No child shall, in pursuance of an order under this Act, be sent to or placed in charge of any person professing, or a certified school run by a person or persons belonging to a religious persuasion different from that of the child.

Care of
children.

42. If it appears to the Court, on the complaint of any person, that a child is being treated with cruelty or exposed to moral danger by, or within the knowledge of, or with the connivance of, the parent or guardian or that a child, being a girl, is exposed, within the knowledge of, or with the connivance of, her parent or guardian, to the risk of seduction or prostitution, the Court may direct the parent or guardian to enter into a recognizance to exercise due care and supervision in respect of such child.

Penalty
for
abetting
escape
of child
from
custody.

43. (1) Whoever—

(a) knowingly assists or induces, directly or indirectly, a juvenile delinquent or other child to escape from a reception home, or a reformatory, industrial or borstal school or from the custody of the person under whom he is placed by an order under this Act ; or

(b) knowingly harbours, conceals, or prevents from returning to such home or school or to such person a juvenile delinquent or other child who has so escaped, or knowingly assists in doing so ;

shall be punishable with imprisonment for a term which may extend to six months or with fine not exceeding five hundred rupees or with both

(2) All offences under sub-section (1) shall be cognizable.

Penalty
for
cruelty to
child.

44. If a person, having the custody, charge or care of a child under the provisions of this Act, assaults, ill-treats, abandons or exposes such child, or causes such child to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause such child physical or mental suffering or injury, he shall be punishable with imprisonment for a term not exceeding two years or with fine not exceeding two hundred rupees or with both.

Children
accom-
panying
mothers in
prison.

45. (1) When any woman having children is remanded to jail custody being accused of an offence or on conviction for an offence or on any other ground, the Court or other authority remanding her to such custody, on being satisfied that the father of the children, if living, is unable

XXX of 1959.]

(Chapter VI.—Miscellaneous.—Sections 46—48.)

to take charge of or to look after them, or that there is no suitable friend or relation who can take charge of and look after them, may notwithstanding anything in any other law, order that—

- (a) any such children not being more than two years of age, may be allowed to accompany the woman to the prison, and
 - (b) any such children above two years of age may be sent to and kept in a reception home or a reformatory school for children other than juvenile delinquents or an industrial school, as the Court or other authority may think fit, as if such children were neglected children.
- (2) If any such woman as aforesaid is released from prison on bail or otherwise, the court or other authority may, on application made by her, direct the release of the children kept in a reception home, or a reformatory or industrial school in pursuance of an order made under sub-section (1).

Act V of
1898.

46. The provisions of Chapter XLII of the Code of Criminal procedure 1898, shall, so far as may be, apply to bonds taken under this Act.

Procedure
in respect
of bonds.

47. (1) If in the opinion of the Medical Officer authorised by the State Government a child kept in a reformatory, industrial or borstal school in pursuance of this Act is suffering from leprosy, tuberculosis or unsoundness of mind, the State Government may order his removal to a suitable hospital or other place for being kept there for such period as may be necessary for the proper treatment of the child.

Transfer of
children
suffering
from
Leprosy,
Tuber-
culosis
or un-
soundness
of mind.

(2) When in the opinion of the Medical Officer authorised by the State Government such a child is cured, the State Government may, if the child is still liable to be kept in custody, order the person having charge of the child to send him to the school from which he was removed or, if the child is no longer liable to be kept in custody, order him to be discharged.

48. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an appeal from an order made by a Court under the provisions of this Act shall lie—

Appeal.

- (a) if passed by a Magistrate other than a Presidency Magistrate to the Sessions Judge ;
- (b) if passed by a Court of Session or by a Presidency Magistrate, to the High Court.

[West Ben. Act

(Chapter VI.—Miscellaneous.—Sections 49, 50.)

(2) The period of limitation for an appeal under subsection (1) shall be thirty days in the case of appeals to Courts other than the High Court, and sixty days in the case of an appeal to the High Court from the date of the order appealed against.

(3) The provisions of sections 5 and 12 of the Indian Limitation Act, 1908, shall apply to such appeals. Act IX of 1908.

Removal
of disquali-
fication
attaching
to convic-
tion of
child for
an offence.

49. Notwithstanding anything contained in any other law, the conviction of a child shall not be regarded as a disqualification attaching to conviction for an offence.

Power to
make rules.

50. (1) The State Government may, by notification in the *Official Gazette*, make ¹rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the place at which, the days on which and the manner and conditions in which a Juvenile Court may hold its sittings ;
- (b) the procedure to be followed by the Court in holding inquiries under this Act ;
- (c) the establishment, certification and maintenance of reformatory, industrial and borstal schools ;
- (d) the establishment, recognition and maintenance of reception homes including special reception homes for foundlings and after-care organisations ;
- (e) the internal management, discipline and inspection of such schools, homes and organisations including the medical examination of the inmates of such schools, homes and organisations and their segregation on grounds of health as well as on the basis of sex ;
- (f) the officers to be appointed to carry out the purposes of this Act, their powers and duties and the terms and conditions of their service ;
- (g) the constitution and procedure of Boards of Visitors referred to in section 8 and of the State Children's Board referred to in section 10 ;
- (h) the mode and procedure of payment of the contribution by parents and other persons responsible for the maintenance of juvenile delinquents and other children ;

¹For rules made under sec. 50 (2) (a) and (b), see notification no. 1129 J., dated 17th February, 1962, published in the *Calcutta Gazette* of 1962, Part I, page 573.

XXX of 1959.]

(Chapter VI.—Miscellaneous.—Section 51.)

(i) the conditions subject to which children may be placed under the care of any person under this Act and the obligations of such persons towards the children so placed ;

(j) any other matter which has to be, or may be prescribed.

(3) All rules made under this Act shall be subject to the condition of previous publication and such publication shall be made not less than one month before the date on which the rules come into force.

VIII of
1897.
Ben. Act
II of
1922.
Ben. Act
I of 1928.
Ben. Act
VII of
1943.

51. The Reformatory Schools Act, 1897, in so far as it applies to any area in West Bengal, the Bengal Children Act, 1922, the Bengal Borstal Schools Act, 1928 and the Bengal Vagrancy Act 1943, in so far as it applies to neglected children, shall stand repealed :

Repeals
and
savings.

Provided that—

- (a) all reformatory, industrial or borstal schools established or certified under any of the aforesaid Acts shall, on such repeal, be deemed to have been established or certified, as the case may be, under sub-section (2) of section 7 of this Act ;
- (b) all cases, proceedings or appeals pending before any Court under any of the aforesaid Acts shall, on such repeal, be continued and disposed of by the said Court notwithstanding anything in this Act as if they were cases, proceedings and appeals under this Act ;
- (c) all appeals against orders of Courts appointed or established under any of the aforesaid Acts shall, on such repeal, be deemed to be appeals from orders made by Courts under this Act and shall be presented to Courts empowered to hear appeals under this Act and shall be disposed of accordingly ;
- (d) all licences granted under any of the aforesaid Acts shall, on such appeal, be deemed to have been granted under this Act ;
- (e) any appointment, notification, notice, order, rule or form made or issued under any of the aforesaid Acts shall, on such repeal, continue in force and be deemed to have been made or issued under the provisions of this Act, in so far as it is not inconsistent with the provisions of this Act and shall continue in force unless and until it is superseded by any appointment, notification, notice, order, rule or form made or issued under this Act.

[West Ben. Act XXX of 1959.]

(Chapter VI.—Miscellaneous.—Section 52.)

Provision
for
removal
of diffi-
culties.

52. (1) If any difficulty arises in relation to the application of this Act or in giving effect to the provisions of this Act, the State Government may, by order notified in the *Official Gazette*, make such provisions not inconsistent with the purposes of this Act as appear to it to be necessary or expedient for removing that difficulty.

(2) The power conferred under sub-section (1) shall not be exercised by the State Government after the expiry of three years from the date of commencement of this Act.

(3) Any order made under sub-section (1) may be made so as to be retrospective to any date not earlier than the date of commencement of this Act.

West Bengal Act VII of 1960¹

THE WEST BENGAL APPROPRIATION ACT, 1960.

[29th March, 1960.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1961.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1961 ;

It is hereby enacted in the Eleventh Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the West Bengal Appropriation Act, 1960. Short title.

2. From and out of the Consolidated Fund of West Bengal, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees one hundred and fifty one crores, sixty-five lakhs, fifteen thousand and one towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1961, in respect of the services and purposes specified in column 2 of the Schedule. Issued of
Rupees
1,51,65,15,
001 out
of the
Consolidated
Fund of
West
Bengal for
the year
1960-61.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1961. Appropriation.

¹For Statement of Objects and Reasons, see the *Cokutta Gazette, Extraordinary* of the 25th March, 1960, Part IVA, page 601 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 26th March, 1960 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 28th March, 1960.

(Schedule.)

SCHEDULE.

(See sections 2 and 3.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	A—Direct Demand on the Revenue.			
1	4—Taxes on Income other than Corporation Tax and Estate Duty.	5,95,000	2,000	5,97,000
	7—Land Revenue			
2	AA—Principal Revenue Heads—Forest and other Capital Accounts outside the Revenue Account.	5,94,65,000	1,000	5,94,66,000
	65—Payment of Compensation to Landholders, etc., on the abolition of the Zamindari System.			
	Total—Grant No. 2	5,94,65,000	1,000	5,94,66,000
	A—Direct Demand on the Revenue.			
3	8—State Excise Duties	44,89,000	...	44,89,000
4	9—Stamps	9,70,000	...	9,70,000
5	10—Forest	1,28,97,000	...	1,28,97,000
6	11—Registration	24,23,000	...	24,23,000
7	12—Taxes on Vehicles	...	4,50,000	4,50,000
8	12A—Sales Tax	25,77,000	...	25,77,000
9	13—Other Taxes and Duties	12,95,000	...	12,95,000
	C—Revenue Account of Irrigation, Navigation, Embankment and Drainage Works.			
10	17—Interest on Irrigation Works (Commercial).	...	20,99,000	20,99,000

VII of 1960.]

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	XVII—Irrigation—Working Expenses			
	18—Other Revenue expenditure financed from Ordinary Revenues.			
	H—Civil Works and Miscellaneous Public Improvements.			
	51A—Interest on Capital Outlay on Multipurpose River Schemes.			
	51B—Other Revenue Expenditure connected with Multipurpose River Schemes.			
11	CC—Capital Account of Irrigation, Navigation, Embankment and Drainage Works outside the Revenue Account.	6,96,14,000	86,61,000	7,82,75,000
	68—Construction of Irrigation, Navigation, Embankment and Drainage Works (Commercial).			
	68A—Construction of Irrigation, Navigation, Embankment and Drainage Works (Non-Commercial).			
	HH—Capital Account of Civil Works and Miscellaneous Public Improvements outside the Revenue Account.			
	90A—Capital Outlay on Multipurpose River Schemes outside the Revenue Account.			
	Total—Grant No. 11	6,96,14,000	86,61,000	7,82,75,000
	E—Debt Services.			
12	22—Interest on Debt and other obligations.	1,000	4,55,13,000	4,55,14,000
13	23—Appropriation for Reduction or Avoidance of Debt.	...	2,49,40,000	2,49,40,000

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	F—Civil Administration.			
14	25—General Administration ...	3,39,28,000	11,70,000	3,50,98,000
15	27—Administration of Justice ...	89,85,000	31,35,000	1,21,20,000
16	28—Jails ...	1,04,08,000	...	1,04,08,000
17	29—Police ...	8,09,87,000	...	8,09,87,000
18	30—Ports and Pilotage ...	11,83,000	...	11,83,000
19	36—Scientific Departments ...	75,000	...	75,000
20	37—Education ...	13,75,69,000	...	13,75,69,000
21	38—Medical ...	6,60,62,000	...	6,60,62,000
22	39—Public Health ...	3,76,12,000	...	3,76,12,000
23	40—Agriculture—Agriculture ...	4,86,23,000	...	4,86,23,000
	FF—Civil Administration—Capital Account outside the Revenue Account.			
	71—Capital Outlay on schemes of Agricultural Improvement and Research outside the Revenue Account.			
	Total—Grant No. 23 ...	4,86,23,000	...	4,86,23,000
	F—Civil Administration.			
24	40—Agriculture—Fisheries ...	36,95,000	...	36,95,000
25	41—Animal Husbandry ...	1,47,38,000	...	1,47,38,000
26	42—Co-operation ...	65,58,000	...	65,58,000

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(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
27	43—Industries—Industries			
	H—Civil Works and Miscellaneous Public Improvements.			
	XLI—Receipts from Electricity Schemes—Working expenses.	1,33,98,000	25,000	1,34,23,000
	FF—Civil Administration—Capital Account outside the Revenue Account.			
	72—Capital Outlay on Industrial Development outside the Revenue Account.			
	Total—Grant No. 27	1,33,98,000	25,000	1,34,23,000
28	F—Civil Administration.			
	43—Industries—Cottage Industries			
	FF—Civil Administration—Capital Account outside the Revenue Account.	1,99,05,000	...	1,99,05,000
	72—Capital Outlay on Industrial Development outside the Revenue Account—Cottage Industries.			
	Total—Grant No. 28	1,99,05,000	...	1,99,05,000
	F—Civil Administration.			
29	43—Industries—Cinchona	83,76,000	...	83,76,000
30	47—Miscellaneous Departments—Fire Services.	39,83,000	...	39,83,000
31	47—Miscellaneous Departments—Excluding Fire Services	...	...	...
32	47—Miscellaneous Departments—Welfare of Scheduled Tribes and Castes and other Backward Classes.	1,34,77,000	...	1,34,77,000
33	47—Miscellaneous Departments—Excluding Fire Services and Welfare of Scheduled Tribes and Castes and other Backward Classes.	50,37,000	...	50,37,000

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	H—Civil Works and Miscellaneous Public Improvements.			
34	50—Civil Works	4,54,65,000	15,46,000	4,70,11,000
	J—Miscellaneous.			
35	54—Famine	2,68,40,000	...	2,68,40,000
36	51B—Privy Purses and Allowances of Indian Rulers.	1,69,000	...	1,69,000
37	55—Superannuation allowances and pensions.	1,62,39,000	2,20,000	1,64,59,000
	JJ—Miscellaneous Capital Account outside the Revenue Account.			
	88—Payments of commuted value of pensions.			
	Total—Grant No. 37 ...	1,62,39,000	2,20,000	1,64,59,000
	J—Miscellaneous.			
38	56—Stationery and Printing ...	79,50,000	...	79,50,000
39	57—Miscellaneous—Contributions ...	1,90,64,000	8,78,000	1,99,42,000
40	57—Miscellaneous—Other Miscellaneous Expenditure.	12,74,27,000	1,000	12,74,28,000
	JJ—Miscellaneous Capital Account outside the Revenue Account.			
	82—Capital Account of other State works outside the Revenue Account.			
	Total—Grant No. 40 ...	12,74,27,000	1,000	12,74,28,000

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(Schedule.)

1	2	3		
and o.	Services and purposes.	Sums not exceeding		
		Voted by the Legis- lative Assembly.	Charged on the Consoli- dated Fund.	Total.
		Rs.	Rs.	Rs.
	E—Debt Services.			
	22—Interest on Debt and other obligations—Expenditure on displaced persons.			
	J—Miscellaneous.			
	57—Miscellaneous—Expenditure on displaced persons.			
	JJ—Miscellaneous Capital Account outside the Revenue Account.			
11	82—Capital Account of other State Works outside the Revenue Account—Expenditure on displaced persons.	5,74,34,000	19,27,000	5,93,61,000
	Public Debt.			
	Loans for displaced persons			
	Loans and Advances by State Government.			
	Loans and Advances to displaced persons			
	Total—Grant No 41 ...	5,74,34,000	19,27,000	5,93,61,000

(Schedule.)

1 Grant No.	2 Services and purposes.	3 Sums not exceeding		
		Voted by the Legisla- tive Assembly.	Charged on the Consoli- dated Fund.	Total.
		Rs.	Rs.	Rs.
	E—Debt Services.			
	22—Interest on Debt and other obligations—Community Development Projects.			
	M—Extraordinary Items.			
	63B—Community Development Projects, National Extension Service and Local Development Works.			
	JJ—Miscellaneous Capital Account outside the Revenue Account.			
42	82—Capital Account of other State Works outside the Revenue Account—Community Development Projects.	4,74,86,000	31,09,000	5,05,95,000
	Public Debt.			
	Loans for Community Development Projects.			
	Loans and Advances by State Government.			
	Loans and Advances under Community Development Projects.			
	Total—Grant No. 42 ...	4,74,86,000	31,09,000	5,05,95,000
	M—Extraordinary Items.			
43	63—Extraordinary charges in India ...	2,16,09,000	...	2,16,09,000
44	64C—Pre-Partition Payments ...	6,50,000	...	6,50,000
	HH—Capital Account of Civil Works and Miscellaneous Public Improvements outside the Revenue Account.			
45	80A—Capital Outlay on Multipurpose River Schemes outside the Revenue Account—Damodar Valley Project.	5,75,55,000	...	5,75,55,000
46	81—Capital Account of Civil Works outside the Revenue Account.	9,12,99,000	1,56,000	9,14,55,000

VII of 1960.]

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	J—Miscellaneous.			
	XLVIA—Receipts from Road and Water Transport Schemes—Working Expenses.			
47	JJ—Miscellaneous Capital Account outside the Revenue Account.	4,36,77,000	23,98,000	4,60,75,000
	82B—Capital Outlay on Road and Water Transport Schemes outside the Revenue Account.			
	Total—Grant No. 47	4,36,77,000	23,98,000	4,60,75,000
49	85A—Capital Outlay on Schemes of Government Trading.	1	...	1
	Public Debt.			
	Floating Debt			
49	Loans from Union Government (excluding loans for displaced persons and Community Development Projects).	...	10,82,48,000	10,82,48,000
	Other loans			
	Total—Grant No. 49	...	10,82,48,000	10,82,48,000
	Loans and Advances by State Government.			
50	Loans and Advances by State Government.	8,52,47,000	...	8,52,47,000
	Grand Total	1,31,20,36,001	20,44,79,000	1,51,65,15,001

West Bengal Act VIII of 1960¹

THE WEST BENGAL APPROPRIATION (No. 2) ACT, 1960.

[29th March, 1960.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1960.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1960 ;

It is hereby enacted in the Eleventh Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the West Bengal Appropriation (No. 2) Act, 1960. Short title.

2. From and out of the Consolidated Fund of West Bengal there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees seven crores, twenty-nine lakhs, ninety-one thousand and two hundred and thirty-nine towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1960, in respect of the services and purposes specified in column 2 of the Schedule. Issue of
Rupees
7,29,91,239
out of the
Consolidat-
ed Fund
of West
Bengal for
the year
1959-60.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1960. Appropriation.

¹ For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 25th March, 1960, Part I, page 606 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 26th March, 1960 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 28th March, 1960.

(Schedule.)

SCHEDULE.

(See sections 2 and 3.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
2	7—Land Revenue			
	65—Payment of Compensation to Land Holders, etc., on the abolition of the Zamindari System.	8,50,000	1,000	8,51,000
	Total Grant—No. 2 ...	8,50,000	1,000	8,51,000
3	8—State Excise Duties	1,10,000	...	1,10,000
5	10—Forest	1,37,200	...	1,37,200
6	11—Registration	1,56,000	...	1,56,000
8	12A—Sales Tax ... ..	...	3,600	3,600
9	13—Other Taxes and Duties ...	68,000	...	68,000
12	22—Interest on Debt and other obligations.	...	12,36,000	12,36,000
14	25—General Administration ...	12,27,000	...	12,27,000
15	27—Administration of Justice ..	...	1,07,000	1,07,000
16	28—Jails	6,54,000	...	6,54,000
17	29—Police	9,53,000	35,000	9,88,000
18	30—Ports and Pilotage	1,36,000	...	1,36,000
20	37—Education	87,55,000	...	87,55,000
24	40—Agriculture—Fisheries ... ..	...	575	575

VIII of 1960.]

(Schedule.)

1	2	3		
		Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
Grant No.	Services and purposes.	Rs.	Rs.	Rs.
27	43—Industries—Industries ...	...	17,000	17,000
	72—Capital Outlay on Industrial Development outside the Revenue Account.			
	Total Grant No. 27 ...	...	17,000	17,000
28	72—Capital Outlay on Industrial Development outside the Revenue Account—Cottage Industries.	...	64	64
30	47—Miscellaneous Departments—Fire Services.	6,02,900	...	6,02,900
31	47—Miscellaneous Departments—Excluding Fire Services.	28,56,000	...	28,56,000
32	50—Civil Works ...	...	3,56,100	3,56,100
33	54—Famine ...	2,29,95,000	...	2,29,95,000
34	54B—Privy Purses and Allowances of Indian Rulers.	25,000	...	25,000
35	55—Superannuation allowances and pensions.	17,52,000	...	17,52,000
36	56—Stationery and Printing ...	5,68,000	...	5,68,000
37	57—Miscellaneous—Contributions ...	38,92,00	6,54,000	45,46,000
38	82—Capital Account of other State Works outside the Revenue Account.	38,77,000	...	38,77,000
39	Public Debt—Loans for Displaced Persons.	...	1,98,000	1,98,000
40	63B—Community Development Projects, National Extension Service and Local Development Works.	6,38,000	...	6,38,000
41	63—Extraordinary charges in India ...	...	81,800	81,800

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
45	XLVIA—Receipts from Road and Water Transport Schemes—Working Expenses.	43,43,000	...	43,43,000
	S2B—Capital Outlay on Road and Water Transport Schemes outside the Revenue Account.			
	Total—Grant No. 45 ...	43,43,000	...	43,43,000
46	85A—Capital Outlay on Schemes of Government Trading.	...	27,000	27,000
48	Loans and Advances by State Government.	1,57,29,000	...	1,57,29,000
	Grand Total ...	7,03,24,100	26,67,139	7,29,91,239

West Bengal Act X of 1960¹

THE WEST BENGAL APPROPRIATION (EXCESS EXPENDITURE, 1952-53, 1953-54 AND 1954-55) ACT, 1960.

[14th June, 1960.]

An Act to regularise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1953, the year ending on the thirty-first day of March, 1954 and the year ending on the thirty-first day of March, 1955.

It is hereby enacted in the Eleventh Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the West Bengal Appropriation (Excess Expenditure, 1952-53, 1953-54 and 1954-55) Act, 1960.

Short title.

2. From and out of the Consolidated Fund of West Bengal :—

Issue of
Rs. 95,71,
181,
Rs. 12,45,
51,746 and
Rs. 4,50,57,
285, out of
the Con-
solidated
Fund of
West
Bengal
respec-
tively for
the services
and pur-
poses of the
year
1952-53,
the year
1953-54
and the
year
1954-55.

(1) sums not exceeding those specified in column 3 of Schedule I amounting in the aggregate to the sum of rupees thirty-five lakhs, seventy-one thousand, one hundred and eighty-one,

(2) sums not exceeding those specified in column 3 of Schedule II amounting in the aggregate to the sum of rupees twelve crores, forty-five lakhs, fifty-one thousand, seven hundred and forty-six, and

(3) sums not exceeding those specified in column 3 of Schedule III amounting in the aggregate to the sum of rupees four crores, fifty lakhs, fifty-seven thousand two hundred and eighty-five,

are authorized for payment and application towards defraying the several charges which were incurred during—

(i) the year ending on the thirty-first day of March, 1953,

¹For the Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 10th May, 1960, Part IVA, page 1147; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 10th May, 1960; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 12th May, 1960.

198 *The West Bengal Appropriation (Excess Expenditure,
1952-53, 1953-54 and 1954-55) Act, 1960.*

[West Ben. Act

(Section 3 and Schedule 1.)

(ii) the year ending on the thirty-first day of March, 1954,
and

(iii) the year ending on the thirty-first day of March,
1955,

respectively in respect of the services and purposes specified in
column 2 of each such Schedule and which were in excess of the
amounts granted for the services and purposes of the respective
year.

Appro-
priation.

3. The sums authorized for payment and application from
and out of the Consolidated Fund of West Bengal by this
Act shall be deemed to have been respectively appropriated
for the services and purposes expressed in Schedules I, II
and III, in relation to the year ending on the thirty-first day of
March, 1953, the year ending on the thirty-first day of March,
1954 and the year ending on the thirty-first day of March,
1955.

SCHEDULE 1.

(See sections 2 and 3.)

1	2	3		
		Sums not exceeding		
Grant No.	Services and purposes.	Voted by the Legislative Assembly.	Charged on the Consoli- dated Fund.	Total.
		Rs.	Rs.	Rs.
4	9—Stamps ...	24,240	...	24,240
11	22—Interest on Debt and other obligations.	...	4,77,639	4,77,639
14	27—Administration of Justice.	27,411	...	27,411
23	41—Veterinary ...	20,126	...	20,126
28	47—Miscellaneous De- partments. ↵	...	170	170
41	Public Debt ...	...	30,21,595	30,21,595
	Grand Total ...	71,777	34,99,404	35,71,181

*The West Bengal Appropriation (Excess Expenditure. 199
1952-53, 1953-54 and 1954-55) Act, 1960.*

X of 1960.]

(Schedule II.)

SCHEDULE II.

(See sections 2 and 3.)

1	2	3		
		Sums not exceeding		
Grant No.	Services and purposes.	Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total
		Rs.	Rs.	Rs.
1	4—Taxes on income other than Corporation Tax.	457	...	457
3	8—State Excise Duties.	...	170	170
9	17—Interest on Works for which Capital Accounts are kept.	...	72,269	72,269
11	22—Interest on Debt and other obligations.	...	7,94,527	7,94,5.7
14	27—Administration of Justice.	2,07,118	...	2,07,118
34	54B—Privy Purses and Allowances of Indian Ruler.	1,368	...	1,368
40	63—Extraordinary charges in India.	...	376	376
44	XLVIA—Receipts from Road and Water Transport Schemes—Working Expenses	3,12,525	...	3,12,525
45	85A—Capital Outlay on Schemes of State Trading.	3,33,30,104	1,972	3,33,32,076
46	Public Debt	...	8,98,30,860	8,98,30,860
	Grand Total	3,38,51,572	9,07,00,174	12,45,51,746

200 *The West Bengal Appropriation (Excess Expenditure, 1952-53, 1953-54 and 1954-55) Act, 1960.*

[West Ben. Act X of 1960.]

(Schedule III.)

SCHEDULE III.

(See sections 2 and 3.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
4	9—Stamps ...	440	...	440
5	10—Forest ...	...	35	35
6	11—Registration ...	23,532	...	23,532
17	30—Ports and Pilotage	34,764	...	34,764
20	38—Medical ...	...	10,490	10,490
31	47—Miscellaneous Departments—Fire Services.	47,228	...	47,228
	57—Miscellaneous—Expenditure on displaced persons.	23,79,506	...	23,79,506
42	82—Capital Account of Other State Works outside the Revenue Account—Expenditure on displaced persons.	17,06,438	...	17,06,438
	Loans and Advances by State Government—Loans and Advances to displaced persons.	2,20,018	...	2,20,018
	Total—Grant No. 42	43,05,962	...	43,05,962
44	63—Extraordinary charges in India.	...	3,162	3,162
48	XLVIA—Receipts from Road and Water Transport Schemes—Working Expenses.	...	1,04,055	1,04,055
49	85A—Capital Outlay on State Schemes of Government Trading.	4,05,21,617	...	4,05,21,617
	Grand Total ...	4,49,39,543	1,17,742	4,50,57,285

West Bengal Act XIII of 1960
THE KALYANI UNIVERSITY ACT, 1960.

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West Bengal Act XIII of 1960¹

THE KALYANI UNIVERSITY ACT, 1960.

[22nd June, 1960.]

An Act to establish and incorporate a University at Kalyani in West Bengal.

WHEREAS it is expedient to establish and incorporate a University at Kalyani in the State of West Bengal for providing facilities for the study of humanities and sciences generally, and agricultural, veterinary and the allied sciences in particular, and for conducting researches in those sciences for the benefit of the rural and other areas in the State of West Bengal ;

It is hereby enacted in the Eleventh Year of the Republic of India, by the Legislature of West Bengal, as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Kalyani University Act, 1960. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
2. In this Act, unless the context requires otherwise,— Definitions.
- (a) “agriculture” includes the basic and applied sciences relating to crop and livestock production, soil and water management and all matters connected therewith or incidental thereto ;
 - (b) “college” means a constituent college which has been established or recognized as such by the University under this Act ;
 - (c) “Minister” means the Minister in charge of the Department of Education, Government of West Bengal ;
 - (d) “prescribed” means prescribed by Statutes, Ordinances, Regulations or Rules made under this Act ;
 - (e) “Principal” means the head of a college by whatever designation he may be described ;
 - (f) “Statutes”, “Ordinances”, “Regulations” and “Rules” mean respectively the Statutes, Ordinances, Regulations and Rules made under this Act ;

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 8th January, 1960, Part I, page 43 ; and for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 6th, 7th, 11th and 12th April, 1960, and for proceedings of the West Bengal Legislative Council, see the proceedings of the meetings of that Council held on the 13th, 14th and 16th May, 1960.

²This Act came into force on the 1st September, 1960, vide notification No. 3472 Fdn (G), dated the 31st August, 1960, published in the *Calcutta Gazette, Extraordinary* of 1960, Part I, page 2253.

[West Ben. Act

(Chapter II.—The University.—Sections 3, 4.)

- (g) "Teacher" means a person appointed as such by the University or a college, either whole time or part time, for the purpose of imparting instruction or conducting and guiding research or experimental work and includes a professor, assistant professor, reader, lecturer and any other person holding a teaching post and also a person who may be declared by the Statutes to be a Teacher ;
- (h) "University" means the University of Kalyani constituted under this Act ; and
- (i) "year" means a period of twelve months beginning on the first day of June.

CHAPTER II.

THE UNIVERSITY.

The University.

3. (1) The first members of the University referred to in sub-section (3) of section 8 and all other persons who may hereafter become members of the University shall, so long as they continue to be members, constitute a body corporate by the name of the University of Kalyani.

(2) The University shall have perpetual succession and a common seal and shall sue and be sued in the name of the University of Kalyani.

Powers of the University.

4. Subject to the provisions of this Act, the University shall have the following powers, namely :—

- (1) to provide for instruction and training in humanities and sciences generally, and the agricultural, veterinary and allied sciences in particular and to make provisions for research and for the advancement and dissemination of knowledge ;
- (2) to establish or maintain experimental stations or demonstration farms in any place within or beyond the limits referred to in sub-section (1) of section 5, and to take over the management of experimental stations or demonstration farms within such limits, for the purpose of carrying on research and experiments in agricultural, veterinary and allied sciences ;
- (3) to undertake the execution of programmes in extension of the prescribed courses of study or research or, generally, in furtherance of the purposes of this Act and to take such measures as the University may think fit for the dissemination of theoretical or practical knowledge gained from research and experiments for the benefit of the rural and other areas in West Bengal ;

XIII of 1960.]

(Chapter II.—The University.—Section 4.)

- (4) to establish, maintain, manage or recognize colleges, libraries, museums and such other institutions as it may consider fit ;
- (5) to recognize any agricultural school in the State of West Bengal and to withdraw such recognition ;
- (6) to institute degrees, titles, diplomas, certificates and other academic distinctions ;
- (7) to hold examinations and to confer degrees, titles, diplomas, certificates and other academic distinctions on persons who —
 - (a) shall, unless exempted therefrom in such manner as may be prescribed by Statutes, have pursued in the University, a college or a recognized agricultural school such courses of study and shall have passed such examinations of the University as may be prescribed by Ordinances, or,
 - (b) shall have carried on research under such conditions as may be prescribed by Ordinances ;
- (8) to confer honorary degrees or other academic distinctions under such conditions as may be prescribed ;
- (9) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine ;
- (10) to institute, and make appointments to, Teacherships, including professorships, assistant professorships, readerships, lecturerships, and other teaching posts ;
- (11) to institute and award fellowships, scholarships, exhibitions, prizes, medals and other honours and distinctions ;
- (12) to prescribe, demand and receive fees, fines and other charges ;
- (13) to establish, maintain and manage hostels and other places of residence for the students of the University, colleges and other institutions, to recognize such hostels and other places and to withdraw recognition therefrom ;
- (14) to provide for the supervision and control of the residence and discipline of the students of the University, colleges, recognized agricultural schools and other institutions and to make arrangements for promotion of their health and general welfare ;
- (15) to define the powers and duties of the officers of the University other than the Chancellor and the Vice-Chancellor ;

[West Ben. Act

(Chapter II.—The University.—Section 5.)

- (16) to provide for the inspection, or investigation into the affairs, of any college or other institution or any agricultural school referred to in clauses (4) and (5) ;
- (17) to create such administrative, ministerial or other posts under the University as it may deem fit, including posts in connection with the execution of extension and other programmes, undertaken in furtherance of the purposes of this Act and to make appointments thereto ;
- (18) to receive grants, donations, endowments and bequests and to raise loans ;
- (19) to make grants and advances ;
- (20) to enter into contracts ;
- (21) to acquire, hold and dispose of property, movable or immovable, for furthering any of the objects of the University ;
- (22) to make grants for the maintenance of the National Cadet Corps ; and
- (23) to do all other acts and things, whether incidental to the powers aforesaid or not, as may be necessary for furthering the objects of the University.

Limits of territorial exercise of powers.

5. (1) Save as otherwise provided in this Act, the powers of the University conferred by or under this Act shall not extend beyond the local limits of the police-stations specified below, that is to say—

Police-stations Chakdah and Haringhata in the district of Nadia and police-station B'jpur in the district of 24-Parganas.

Explanation.—For the purposes of this sub-section “the local limits of a police-station” shall mean the local limits thereof in accordance with a notification or notifications issued under clause (s) of sub-section (1) of section 4 of the Code of Criminal Procedure, 1898, and in force on the date of commencement of this Act.

Act V of 1893.

(2) No other University shall have jurisdiction to recognise or grant affiliation to any college within the aforesaid limits.

(3) Any college situated within the aforesaid limits shall unless exempted by the State Government by an order made in this behalf cease to be recognised by or affiliated to any other University and shall be deemed to be a constituent college recognised by the University.

¹For notification directing that the Teachers Training College at Kalyani has ceased to be affiliated to the University of Calcutta, see notification No. 443 Edn. (G), dated the 2nd February, 1961, published in the *Calcutta Gazette, Extraordinary* of 1961, Part I, page 537.

XIII of 1960.]

(Chapter 11.—The University.—Sections 6—8.)

6. (1) The University shall not discriminate against any person on grounds only of religion, race, caste, sex, place of birth, language or any of them with regard to—

Prohibition as to discrimination on grounds of religion, race, caste, sex, place of birth or language.

- (a) admission as a Teacher or student ; or
- (b) the holding of any office ; or
- (c) the acquisition of any degree, title, diploma, certificate or other academic distinction ; or
- (d) the exercise or enjoyment of any power or privilege.

(2) Nothing in this section shall prevent the University from accepting any benefaction the terms whereof are contrary to the provisions of this section or from acting in accordance with such terms or the terms of any other similar benefaction which has been or may be accepted by any college or other educational institution established, maintained or managed by the University.

7. (1) The University may constitute an Executive Council, an Academic Council, and such Faculties, Departments, Committees, Boards, Councils, and other authority or authorities as it may deem fit and shall prescribe the powers and duties of every such subordinate authority when it is constituted.

Subordinate authorities and delegation of powers to them.

(2) The University may delegate such of its powers as it may deem expedient to any of the subordinate authorities constituted by it under sub-section (1) or to any of its officers, and may, at any time, withdraw, at its discretion, any power so delegated.

8. (1) The following persons shall be the members of the University :—

Members of the University and their terms of office.

- (i) the Chancellor, *ex-officio* ;
- (ii) the Vice-Chancellor, *ex-officio* ;
- (iii) the Secretary, Department of Education, Government of West Bengal, *ex-officio* ;
- (iv) the Secretary, Department of Finance, Government of West Bengal, *ex-officio* ;
- (v) the Secretary, Department of Agriculture and Food Production, Government of West Bengal, *ex-officio* ;
- (vi) the Secretary, Department of Animal Husbandry and Veterinary Services, Government of West Bengal, *ex-officio* ;
- (vii) a representative of the Indian Council of Agricultural Research to be nominated by that Council ;

[West Ben. Act

(Chapter II.—The University.—Sections 9, 10.)

- (viii) the Principals of the colleges, *ex-officio* ;
- (ix) the President, Board of Secondary Education, West Bengal, *ex-officio* ;
- (x) two persons to be elected by the Teachers, not being Principals, of colleges from amongst themselves in accordance with the provisions made by Statutes in this behalf ; and
- (xi) five persons to be nominated by the Chancellor at least two of whom shall have special knowledge in the field of agricultural, veterinary or allied sciences.

(2) A member of the University other than an *ex-officio* member shall hold office for a period of two years from the date on which he is elected or nominated :

Provided that a member elected in accordance with the provisions of clause (x) of sub-section (1) shall cease to hold office as such as soon as he ceases to hold office as the Teacher of a college.

(3) The persons referred to in clauses (i) to (vi) and (ix) of sub-section (1) shall be the first members of the University.

(4) As soon as may be after the University has been first established, it shall take all necessary steps to enable the persons referred to in clauses (vii), (x) and (xi) of sub-section (1) to join as members of the University.

Register of
Teachers.

9. The University shall maintain and keep up to date in such manner as may be prescribed by Statutes a register of the names of the Teachers, not being Principals, of all the colleges.

Disquali-
fication for
member-
ship.

10. (1) No person shall be qualified to be nominated or elected as a member of the University if at the time of his nomination or election he—

- (a) has been declared by a competent court to be of unsound mind ; or
- (b) is an undischarged insolvent ; or
- (c) has been convicted by a court of law for an offence which involves moral turpitude.

(2) If any member incurs any of the disqualifications enumerated in sub-section (1) after the date of his nomination or election or if the Chancellor is satisfied that any member had been suffering from any such disqualification at the time of his entering upon office as such member, he shall be removed from his office as a member of the University by the Chancellor.

XIII of 1960.]

(Chapter II.—The University.—Sections 11, 12.—

Chapter III.—Officers of the University.—Section 13.)

11. (1) If a casual vacancy arises by reason of any member referred to in clause (xi) of sub-section (1) of section 8 having— Casual vacancies.

- (a) refused to serve as a member, or
- (b) died, or
- (c) resigned his office as a member, or
- (d) been removed from his office as a member under sub-section (2) of section 10,

the Chancellor shall nominate a person with the requisite qualifications to fill the vacancy.

(2) If a casual vacancy arises in the seat of the member nominated under clause (vii) of sub-section (1) of section 8 for any of the reasons referred to in sub-section (1), such vacancy shall be filled by another person to be nominated by the Indian Council of Agricultural Research.

(3) A person nominated in accordance with sub-section (1) or sub-section (2) to fill a casual vacancy shall hold office as a member for a period of two years from the date of his nomination as a member.

(4) If a casual vacancy arises in the seat of any member elected under clause (x) of sub-section (1) of section 8 for any of the reasons referred to in sub-section (1) or for the reason that such member has ceased to hold office as a member under the proviso to sub-section (2) of section 8, such vacancy shall be filled by a person having the requisite qualifications to be elected by the body and in the manner referred to in clause (x) of sub-section (1) of section 8.

(5) Any person elected under sub-section (4) to fill a casual vacancy shall, subject to the provisions of the proviso to sub-section (2) of section 8, hold office as a member for the unexpired period of the term of office of the member in whose place he is so elected.

12. No act or proceedings of the University or any subordinate authority of the University shall be called in question or invalidated merely by reason of the existence of a vacancy or vacancies amongst its members, or of any member not having been duly nominated or elected or having become disqualified. Safeguard against invalidation of acts or proceedings of the University.

CHAPTER III.

OFFICERS OF THE UNIVERSITY.

13. The following shall be the officers of the University :— Officers of the University.

- (i) the Chancellor,
- (ii) the Vice-Chancellor,

[West Ben. Act

(Chapter III.—Officers of the University.—Sections 14—16.)

(iii) the Finance Officer,

(iv) the Registrar, and

(v) such other persons in the service of the University as the University may declare to be officers of the University.

The Chancellor.

14. The Governor of the State of West Bengal shall be the *ex-officio* Chancellor of the University, and shall, when present, preside at meetings of the University including any convocation of the University.

The Vice-Chancellor.

15. (1) The Vice-Chancellor of the University shall be appointed by the Chancellor in consultation with the Minister. He shall be paid from the University Fund such salary and emoluments as the Chancellor may decide and shall hold office for four years.

(2) If the Vice-Chancellor is, by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, the University may, subject to the approval of the Chancellor, appoint one of its members to exercise the powers and perform the duties of the Vice-Chancellor.

(3) If a vacancy occurs in the office of the Vice-Chancellor by reason of his resignation or death or the expiration of his term of office, the Chancellor shall appoint a new Vice-Chancellor and pending such appointment the University shall, subject to the approval of the Chancellor, authorise one of its members to exercise the powers and perform the duties of the Vice-Chancellor.

Powers and duties of the Vice-Chancellor.

16. (1) The Vice-Chancellor shall be a whole-time officer of the University and shall be the administrative and academic head of the University. He shall, in the absence of the Chancellor, preside at meetings of the University including any convocation of the University. He shall be an *ex-officio* member and Chairman of such subordinate authorities constituted by the University as may be prescribed and shall be entitled to be present at and to address any meeting of any other subordinate authority of the University but shall not be entitled to vote thereat.

(2) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act and the Statutes, Ordinances, Regulations and Rules made thereunder are duly observed and he shall exercise general control over the affairs of the University and exercise all such powers as may be necessary for this purpose.

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(Chapter III.—Officers of the University.—Sections 17—19.)

(3) In any emergency which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, he may take such action as he may deem necessary and shall at the earliest opportunity report his action to the authority which would have ordinarily dealt with the matter :

Provided that where any such action taken by the Vice-Chancellor prejudicially affects any person in the service of the University, such person shall be entitled to prefer, within thirty days from the date on which he receives notice of such action, an appeal to the University.

(4) The Vice-Chancellor shall exercise such other powers as may be prescribed.

17. (1) The Finance Officer shall be appointed by the University. He shall be a whole-time officer of the University and shall hold office for such period and shall be paid such salary from the University Fund as the University may decide.

The
Finance
Officer,

(2) If the Finance Officer is, by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, the University may appoint a person temporarily to exercise his powers and perform his duties.

18. (1) The Finance Officer shall exercise general supervision over the University Fund and advise the University in regard to all financial matters concerning the University.

Powers
and duties
of the
Finance
Officer.

(2) The Finance Officer shall be an *ex-officio* member of such subordinate authorities constituted by the University as may be prescribed and shall, subject to the control of the University, manage the property and investments of the University. He shall be responsible for the preparation of the annual budget and the annual accounts.

(3) Subject to the control of the University, the Finance Officer shall be responsible for seeing that all monies are expended for the purpose for which they have been granted or allotted.

(4) Save as may be otherwise prescribed, all contracts shall be signed by the Finance Officer on behalf of the University.

(5) The Finance Officer shall exercise such other powers as may be prescribed.

19. (1) The Registrar shall be appointed by the University. He shall be a whole-time officer of the University and shall be paid such salary from the University Fund and shall hold office for such period as the University may decide. The Registrar shall exercise such powers and perform such duties as may be prescribed.

The Regis-
trar.

[West Ben. Act

(Chapter IV.—Statutes, Ordinances, Regulations and Rules.—Section 20.)

(2) If the Registrar is, by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, the University may appoint a person temporarily to exercise his powers and perform his duties.

CHAPTER IV.

STATUTES, ORDINANCES, REGULATIONS AND RULES.

Statutes,
Ordinances,
Regulations and
Rules—
how made,

20. (1) The University may make Statutes, Ordinances, Regulations and Rules for the purpose of duly carrying out the provisions of, or exercising the powers conferred on it by, this Act.

(2) The University may delegate to a subordinate authority constituted by it the power to make Ordinances, Regulations or Rules to such extent as it may consider necessary and may, at any time, withdraw the power so delegated, or cancel any such Ordinance, Regulation or Rule made by a subordinate authority.

(3) Every Statute or Ordinance made under this Act shall, before it is given effect to, be submitted to the Chancellor and shall be modified or amended in such manner as may be suggested by the Chancellor.

(4) The Chancellor may, at any time after an Ordinance has been made, signify to the University his disallowance of such Ordinance, and from the date of receipt by the University of intimation of such disallowance, such Ordinance shall cease to have effect.

(5) Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :—

- (a) the constitution, duties and powers of the subordinate authorities, which may be constituted by the University ;
- (b) the subordinate authorities of which the Vice-Chancellor shall be an *ex-officio* member and Chairman and those of which the Finance Officer shall be an *ex-officio* member ;
- (c) the filling of vacancies of members of the subordinate authorities and all other matters relating to those authorities ;
- (d) the appointment, powers and duties of the officers of the University other than the Chancellor and the Vice-Chancellor ;
- (e) the constitution of a pension, insurance or provident fund for the benefit of the officers, Teachers and other employees of the University ;

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**(Chapter IV.—Statutes, Ordinances, Regulations and Rules.—
Section 20.)**

- (f) the institution and conferment of degrees, diplomas, certificates and other academic distinctions ;
 - (g) the conferment of honorary degrees ;
 - (h) the establishment and abolition of Faculties, Departments of Studies, colleges, libraries, museums, experimental stations, demonstration farms and other institutions ;
 - (i) the maintenance of a register of the names of the Teachers of all the colleges and the procedure to be followed for the election of the members of the University referred to in clause (x) of sub-section (1) of section 8 ;
 - (j) the conditions under which colleges, agricultural schools and other institutions may be recognized by the University, and the withdrawal of such recognition ;
 - (k) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes ;
 - (l) the calling of meetings of the University and the giving of notice thereof to the members of the University and the quorum and procedure at such meetings ;
 - (m) contracts by the University and the execution thereof ;
 - (n) annual report of the University ;
 - (o) qualifications of Teachers ;
 - (p) the manner of exemption from study referred to in sub-clause (a) of clause (7) of section 4 ; and
 - (q) all other matters which by or under this Act are or may be provided for by Statutes.
- (6) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely :—
- (a) the admission of students to the University and their enrolment as such ;
 - (b) the courses of study to be laid down for all degrees, and certificates of the University ;
 - (c) the degrees, diplomas, certificates and other academic distinctions to be awarded by the University, the qualifications for the same, and the examinations and papers, if any, to be passed and submitted relating to the granting and obtaining of the same ;

[West Ben. Act

*(Chapter IV.—Statutes, Ordinances, Regulations and Rules —
Section 20.)*

- (d) the fees to be charged for courses of study in the University and in the colleges, agricultural schools and other institutions established, maintained, managed or recognized by the University and for admission to the examinations, degrees and diplomas of the University ;
 - (e) the conditions of the award of fellowships, scholarships, studentships, exhibitions, medals and prizes ;
 - (f) the conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators ;
 - (g) the maintenance of discipline among the students of the University and the colleges ;
 - (h) the conditions of residence of students at the University and the colleges ;
 - (i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students, and the prescribing for them of special courses of study ;
 - (j) the emoluments, and the terms and conditions of service of Teachers ;
 - (k) the management of colleges, agricultural schools and other institutions established, maintained, managed or recognized by the University ;
 - (l) the supervision and inspection of colleges and other institutions including recognized agricultural schools; and
 - (m) all other matters which by this Act or the Statutes are to be or may be provided for by Ordinances.
- (7) Subject to the other provisions of this Act and the provisions of the Statutes and the Ordinances, Regulations may be made to provide for all or any of the following matters :—
- (a) the procedure to be observed at the meetings of a subordinate authority and the number of members required to form a quorum ;
 - (b) the calling of meetings of such subordinate authority and the giving of notice to its members of the dates of the meetings and of the business to be considered thereat and for the keeping of a record of the proceedings of such meetings ;
 - (c) matters which by this Act, the Statutes or the Ordinances are required to be prescribed by Regulations ; and

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(Chapter V.—The University Fund, Annual Report and Accounts.—Sections 21—23.)

(d) all other matters solely concerning a subordinate authority or a committee appointed by it and not provided for by this Act, the Statutes or the Ordinances.

(8) Subject to the provisions of this Act and the provisions of the Statutes, the Ordinances and the Regulations, Rules may be made for the purpose of duly carrying out the provisions of, or exercising the powers conferred by, this Act or to provide for matters which, by the Statutes, the Ordinances or the Regulations, are required to be prescribed by Rules.

CHAPTER V.

THE UNIVERSITY FUND, ANNUAL REPORT AND ACCOUNTS.

21. (1) The University shall have a fund, elsewhere in this Act referred to as the University Fund. Fund of the University.

(2) All monies received by the University by way of fees, fines, endowments, grants, donations, bequests or loans or on any other account whatsoever, shall be credited to, and all expenditure incurred by the University shall be paid out of, the University Fund.

22. The annual report of the University shall be prepared under the direction of such subordinate authority or officer and shall be submitted to the University on or before such date as may be prescribed. The annual report shall be considered by the University at a meeting. Annual Report.

23. (1) As soon as may be after the close of a year the accounts of the University for that year shall be audited by an auditor appointed by the State Government or in such other manner as the State Government may direct. Annual Accounts and Budget.

(2) The University shall consider the audited annual accounts at a meeting and may take such action thereon as it thinks fit.

(3) The budget for each year shall be presented to and considered by the University at a meeting convened for the purpose not less than one month before the end of the preceding year. The University may take such action thereon as it may deem fit.

(4) Copies of the budget as passed by the University and the audited accounts together with copies of the audit report shall be submitted to the Chancellor and to the State Government.

(Chapter VI.—Supplementary Provisions.—Sections 24—26.)

(5) The State Government may require the University to supply to it any information in regard to the accounts and the budget of the University and the University shall comply with such requisition.

CHAPTER VI.

SUPPLEMENTARY PROVISIONS.

Visit and
Inspection

24. (1) The State Government shall have the right to cause an inspection to be made by such person or persons as it may direct, of the University, its buildings, laboratories and equipment, and of any college, agricultural school, experimental station, demonstration farm or other institution established, maintained, managed or recognised by the University, and also of the examinations, teaching and other work conducted or done by the University, and may cause an inquiry to be made in like manner in respect of any matter connected with the University :

Provided that the State Government shall in every such case give notice to the University of its intention to cause an inspection or inquiry to be made and the University shall be entitled to be represented thereat.

(2) The State Government shall communicate to the University its views with reference to the results of any such inspection or inquiry, and shall, after ascertaining the opinion of the University thereon, advise the University upon the action, if any, to be taken.

(3) The University shall report to the State Government the action, if any, which is proposed to be taken or has been taken by it upon the advice given under sub-section (2).

(4) When the University does not, within a reasonable time, take action to the satisfaction of the State Government, the State Government may, after considering any explanation furnished or representation made by the University, issue such directions in writing as it may think fit and the University shall comply with those directions.

Contract of
service for
officers and
Teacher.

25. Except as otherwise provided under this Act or the Statutes, every salaried officer other than the Vice-Chancellor and every Teacher of the University shall be appointed under a written contract which shall be lodged with the University and a copy thereof shall be furnished to the officer or Teacher concerned.

Board of
Arbitrat-
ors.

26. Every dispute arising out of a contract between the University and any of its officers or Teachers shall be referred to a Board of Arbitrators consisting of one member appointed by the University, one member nominated by the officer or

XIII of 1960.]

(Chapter IV.—Supplementary Provisions.—Sections 27, 28.)

Teacher concerned and an umpire appointed by the Chancellor and the decision of the Board on such dispute shall be final and no suit shall lie in any Civil Court in respect of the matters decided by the Board.

27. (1) The University shall constitute for the benefit of its officers (including the Vice-Chancellor), Teachers and other employees, in such manner and subject to such conditions as may be prescribed, such pension, insurance or provident funds as it may deem fit.

Pension
and provident
funds.

3 of 1925, (2) Where a provident fund has been constituted by the University for the benefit of the officers, Teachers and other employees of the University, the provisions of the Provident Funds Act, 1925 shall apply to such fund as if the fund were a Government Provident Fund.

28. If any difficulty arises with respect to the establishment of the University or any subordinate authority of the University or to the transaction of any business of the University, the Vice-Chancellor may refer the same to the Chancellor who may thereupon issue such direction or cause such action to be taken as appears to him to be necessary or expedient for resolving the difficulty.

Removal
of difficulties.

West Bengal Act XV of 1960¹

THE ORIENTAL GAS COMPANY ACT, 1960.

[1st October, 1960.]

An Act to provide for the taking over for a limited period of the management and control, and the subsequent acquisition, of the undertaking of the Oriental Gas Company Limited.

WHEREAS it is expedient to provide for increasing the production of gas and improving the quality thereof for supply to industrial undertakings, hospitals and other welfare institutions, to local authorities for street lighting and to the public in general for domestic consumption and for that purpose to provide for the taking over for a limited period of the management and control, and the subsequent acquisition, of the undertaking of the Oriental Gas Company Limited and for certain other matters incidental and ancillary thereto ;

It is hereby enacted in the Eleventh Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the Oriental Gas Company Act, 1960.

Short
title and
commence-
ment.

(2) It shall come into ²force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act unless the context otherwise requires,—

Definitions.

(1) "Calcutta" means the area described in Schedule I to the Calcutta Municipal Act, 1951, as amended by notification under section 594 of that Act together with such other area or areas as may, from time to time, be specified by the State Government by notification in the *Official Gazette* ;

(2) "Company" means the Oriental Gas Company Limited referred to in Act V of 1857 ;

(3) "undertaking of the Company" means the properties of the Company, movable or immovable, other than cash balances and reserve funds but including

West
Ben. Act
XXXIII
of 1951.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 16th February, 1960, Part IVA, page 368 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 28th, 30th and 31st March, 1960 and the 4th, 5th and 6th April, 1960 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meetings of that Council held on the 12th and 13th May, 1960.

²This Act came into force with effect from the 3rd October, 1960. Vide notification No. 4213 M.P., dated the 3rd October, 1960, published in the *Calcutta Gazette, Extraordinary* of 1960, Part I, page 2641.

[West Ben. Act

(Sections 3, 4.)

works, workshops, plants, machineries, posts, pipes, pipe-lines, appliances, apparatus, accessories, furniture, equipments and stores, and lands appertaining thereto, actually in use immediately before the commencement of this Act, or intended to be used, in connection with the production of gas or supply thereof in Calcutta and its environs ;

(4) "year" means a financial year.

Taking
over of
the
manage-
ment and
control of
the under-
taking
of the
Company.

3. The State Government may, by ¹notification in the *Official Gazette* (a copy of which shall be served on the Company), take over for a period of five years with effect from such date as may be specified in the notification (hereinafter referred to as the appointed day), not being earlier than seven days from the date of publication of the notification in the *Official Gazette*, the management and control of the undertaking of the Company for the purposes, and in accordance with the provisions, of this Act.

Transfer.

4. With effect from the appointed day and for a period of five years thereafter—

- (a) the undertaking of the Company shall stand transferred to the State Government for the purpose of management and control ;
- (b) the Company and its agents, including managing agents, if any, and servants shall cease to exercise management or control in relation to the undertaking of the Company ;
- (c) all contracts, excluding any contract or contracts in respect of agency or managing agency, subsisting immediately before the appointed day and affecting the undertaking of the Company shall cease to have effect or to be enforceable against the Company, its agents or any person who was a surety thereto or had guaranteed the performance thereof and shall be of as full force and effect against or in favour of the State of West Bengal and shall be enforceable as fully and effectively as if instead of the Company the State of West Bengal had been named therein or had been a party thereto :

Provided that—

- (i) except where the State Government by ²notification in the *Official Gazette* otherwise directs, the provisions

¹For such notification, see notification No. 4215 M.P., dated 8th October, 1960, published in the *Calcutta Gazette, Extraordinary* of 1960, Part I, page 2643.

²For notification directing that the provisions of clause (i) of the proviso to clause (c) of sec. 4 of the Act shall apply to the contract executed on the 18.9.60 by the Oriental Gas Co. Ltd. in favour of the President of India, see notification No. 1108 M.P. 4 M-2/61, dated the 10th April, 1961, published in the *Calcutta Gazette* of 1961, Part I, page 1578.

XV of 1960.]

(Section 5.)

of this clause shall not apply to any contract which was executed after the 1st day of January, 1958 ;

- (ii) any transfer by way of sale, exchange, gift, mortgage, lease or otherwise, affecting the undertaking of the Company or any part thereof, made between the date of commencement of this Act and the appointed day shall have no effect whatsoever and shall stand cancelled, so, however, that such cancellation shall not affect any rights which the transferor and the transferee may otherwise have against each other ;
- (d) subject to the provisions of clause (c), any proceeding pending or any cause of action existing before the appointed day in relation to the undertaking of the Company may be continued or enforced by or against the State of West Bengal and shall cease to be continued or enforced by or against the Company, its agents, sureties or guarantors ;
- (e) persons employed by the Company in connection with the undertaking of the Company and continuing in office immediately before the appointed day shall be employed by the State Government on such terms and conditions, not being less advantageous than what they were entitled to immediately before the appointed day, as may be determined by the State Government :

Provided that the State Government may, if it considers any such person to be unsuitable, discharge him, so, however, that, in the case of any such person who has been in continuous service under the Company for not less than one year immediately before the appointed day, the provisions of section 25FF of the Industrial Disputes Act, 1947, shall be applicable, that is to say, such discharge shall not take effect until the State Government has—

- (i) given him notice or paid him wages in lieu of notice, as provided in clause (a), and
- (ii) paid him compensation as provided in clause (b),

of section 25F of the said Act.

5. (1) On the transfer of the undertaking of the Company to the State Government, for the purpose of management and control, under clause (a) of section 4, every person, including a transferee referred to in the proviso to clause (c) of section 4, in whose possession, custody or control the undertaking of the Company or any part thereof may be, shall forthwith deliver possession of the undertaking of the Company or part thereof, as the case may be, to the State Government.

Delivery of possession of undertaking of the Company to the State Government and penalty.

[West Ben. Act

(Section 6.)

(2) If any person refuses or fails to comply with the provisions of sub-section (1), an officer authorised by the State Government in this behalf, shall,—

(a) if he is a Magistrate, enforce the delivery to the State Government of possession of the undertaking of the Company or any part thereof, in respect of which such refusal has been made or failure has been committed, or

(b) if he is not a Magistrate, apply to a Magistrate or, within the town of Calcutta, as defined in section 3 of the Calcutta Police Act, 1866, to the Commissioner of Police, and such Magistrate or Commissioner, as the case may be, shall enforce the delivery to the State Government of possession of the undertaking of the Company or part thereof, as the case may be.

Ben. Act
IV of
1866.

(3) Whoever refuses or wilfully obstructs the delivery to the State Government of possession of the undertaking of the Company transferred to the State Government, for the purpose of management and control, under clause (a) of section 4, or any part thereof, shall, on conviction before a Magistrate, be punishable, without prejudice to any other penalty to which he may be liable under any other law for the time being in force, with fine which may extend to one thousand rupees.

Running
and use of
the under-
taking
of the
Company.

6. (1) The undertaking of the Company shall be run by the State Government and shall be used and utilised by the State Government for purposes of production of gas and supply thereof to industrial undertakings, hospitals and other welfare institutions, to local authorities for street lighting and for other purposes, if any, and to the public in general for domestic consumption, and for this purpose the State Government shall have all the powers of the Company under Act V of 1857.

(2) The State Government may for effectively carrying out the purposes of this Act add, at its own cost, to the undertaking of the Company such new works, workshops, plants, machineries, posts, pipes, pipe-lines, appliances, apparatus, accessories, furniture, equipments, stores, lands, buildings, erections or fixtures as it may consider necessary.

In section 7, after sub-section (2), insert the following sub-sections, namely:—

“(2A) On the vesting of the undertaking of the Company in the State Government, the provisions of clauses (c) and (d) of section 4 shall continue to have effect as if the limitation regarding the period of five years or the period till the acquisition of the undertaking of the Company were not mentioned in that section.

(2B) Every person employed in connection with the undertaking of the Company and continuing in office immediately before the date of vesting of the undertaking of the Company in the State Government under sub-section (2) shall be employed by the State Government on such terms and conditions (not being less advantageous than what they were entitled to immediately before such date) as may be determined by the State Government and until his employment is terminated or until such terms and conditions are duly altered by the State Government by rules made in this behalf:

Provided that if the alteration so made is not acceptable to any such person, his employment may be terminated by the State Government on payment to him by the State Government of compensation equivalent to three months' remuneration, if he is a permanent employee, and one month's remuneration, if he is not a permanent employee.”

(Inserted by West Ben. Act VI of 1970, section 3.)

[No. 9, dated the 1st October, 1973.]

For sub-section (1) of section 8, substitute the following sub-section, namely:—

“(1) In respect of the taking over of the management and control under section 3, or acquisition under section 7, of the undertaking of the Company, there shall be paid by the State Government to the Company, compensation to be determined under sub-section (2), in accordance with the following principles, namely:—

(a) in the case of the taking over of the management and control of the undertaking of the Company, the annual compensation payable shall be a sum representing the average of the net annual income of the undertaking of the Company over a period of three accounting years ending in June, 1960;

(b) in the case of acquisition of the undertaking of the Company, the compensation payable by the State Government shall be a sum representing

[West Ben. Act]

(Section 8.)

referred to in sub-section (2) after considering the period and the nature of the use and the present condition of the properties concerned on the date of vesting in the State Government under section 7,

or

a sum representing eight times the average net income of the undertaking of the Company over a period of five complete years preceding the year in which the undertaking of the Company has been transferred to the State Government under clause (a) of section 4 for the purpose of management and control,

whichever is less.

Explanation.—In this sub-section—

- (i) “purchase price of the undertaking of the Company” means the aggregate of the prices of the different parts of the undertaking of the Company at the respective dates on which such parts were purchased, acquired or constructed by the Company ;
- (ii) “net income of the undertaking of the Company” means the difference between the amount of gross revenue receipts and other general receipts accountable in the assessment of Indian income-tax arising from, and ancillary or incidental to, the business of the Company and the amount of expenditure incurred on the following—
 - (a) rents, rates and taxes,
 - (b) interest on loans and security deposits,
 - (c) maintenance and repair,
 - (d) collection charges,
 - (e) cost of management, including the remuneration of managing agents, if any,
 - (f) other expenses admissible under the law for the time being in force in the assessment of Indian income-tax and arising from, and ancillary or incidental to, the business of the Company, and
 - (g) such other expenses as may be prescribed by rules made under this Act.

(2) The compensation payable in respect of the taking over under section 3 of the management and control, or in respect of the acquisition under sub-section (1) of section 7, of the undertaking of the Company or the amount payable by the Company under sub-section (3) of section 7 for the additions made by

XV of 1960.]

(Section 9.)

the State Government at its own cost to the undertaking of the Company shall be determined by a Tribunal which shall be appointed by the State Government consisting of a person who is or has been a Judge of a High Court, or a District Judge or an Additional District Judge and such Tribunal shall make an award in respect of the compensation so determined.

(3) The State Government may appoint one or more persons possessing knowledge of any matter relating to the inquiry to assist the Tribunal in determining the compensation.

(4) The Tribunal shall have the powers of a civil court while trying suits under the Code of Civil Procedure, 1908, in respect of the following matters :—

- (a) summoning and enforcing the attendance of any person and examining him on oath,
- (b) requiring the discovery and production of documents,
- (c) receiving evidence on affidavits, and
- (d) issuing commissions for the examination of witnesses or documents.

(5) Any party aggrieved by the award of the Tribunal made under sub-section (2) may appeal to the High Court within thirty days from the date of such award.

9 (1) In the case of the taking over of the management and control of the undertaking of the Company, the State Government shall pay to the Company the amount of the compensation determined under section 8 in cash—

**Manner of
payment
of com-
pensation.**

- (a) in respect of the period prior to the date of the award, within sixty days from the date of the award made by the Tribunal, or, as the case may be, from the date of the order of the High Court in the case of an appeal, and
- (b) thereafter, annually on the close of the year in respect of which the compensation is payable.

(2) In the case of acquisition of the undertaking of the Company, as soon as possible after the date of the award made by the Tribunal, or, as the case may be, the date or the order of the High Court in the case of an appeal, the State Government shall pay to the Company the amount of compensation determined under section 8 in bonds carrying interest at the rate of three *per centum per annum* with effect from the date of issue and payable in twenty equal annual instalments :

Provided that the State Government may at any time or from time to time pay one or more instalments, even before such payment is due, with interest up to the date of payment after giving notice in the *Official Gazette* of its intention to do so :

[West Ben. Act XV of 1960.]

(Sections 10, 11.)

Provided further that interest on such instalment or instalments shall cease on the expiry of the date of payment if payment of such instalment or instalments be not taken in pursuance of the notice referred to above.

to
rules. 10. (1) The State Government may make ¹rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for any or all of the following matters, namely :—

- ✓ (a) the manner of service of the copy of the notification under section 3 on the Company,
- (b) the procedure to be followed by the Tribunal in determining the amount of compensation under section 8,
- (c) the determination of expenses referred to in item (g) of paragraph (ii) of the *Explanation* to sub-section (1) of section 8.

11. If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders not inconsistent with this Act as it may consider necessary for removing the difficulty.

¹For the Oriental Gas Company (Management) Rules, 1960, made under sec. 10, see notification No. 4214 M.P., dated 3.10.60, published in the *Calcutta Gazette, Extraordinary* of 1960, Part I, Page 2642.

For the Oriental Gas Company Rules, 1963, see notification No. 1862 Power /1R-1/63, dated the 15th May, 1963, published in the *Calcutta Gazette, Extraordinary* of 1963, Part I, Pages 1169-1170.

West Bengal Act XVI of 1960¹

THE WEST BENGAL ALIENATION OF LAND (REGULATION) ACT, 1960.

[7th October, 1960.]

An Act to regulate the alienation of land in certain cases.

WHEREAS it is expedient in the public interest to provide for the regulation of land in certain cases ;

It is hereby enacted in the Eleventh Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the West Bengal Alienation of Land (Regulation) Act, 1960. Short title, extent and application.

(2) It extends to the whole of West Bengal.

(3) It shall apply in the first instance to the district of Darjeeling, but the State Government may, from time to time, by notification in the *Official Gazette*, apply it to such other area or areas as may be specified in such notification.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) “alienation” in relation to any land means the transfer, by sale, mortgage, lease, exchange, gift, will or otherwise, of such land ;

(2) “land” includes buildings or structures thereon and any right therein ;

(3) “prescribed” means prescribed by rules made by the State Government under this Act.

3. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract, express or implied, or in any instrument. Act to override other laws, etc.

¹For Statement of Objects and Reasons, see the *Cuttack Gazette*, Extraordinary of the 29th August, 1960, Part IVA, page 2069 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 2nd September, 1960 ; and for the proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 5th September, 1960.

228 *The West Bengal Alienation of Land (Regulation)
Act, 1960.*

[West Ben. Act.]

(Sections 4—7.)

Restriction
on aliena-
tion.

4. No person shall, without the previous sanction of the State Government obtained in such manner as may be prescribed, make any alienation of any land in favour of any person when such person is—

- (1) an individual who is not a citizen of India, or
- (2) a body corporate or firm, of which the majority of the directors, shareholders or partners, as the case may be, are not citizens of India, or which is formed and registered outside India.

With-
holding of
sanction.

5. The sanction referred to in section 4 may be withheld if—

- (1) the transferee is, in the opinion of the State Government, unsuitable, or
- (2) the area proposed to be alienated exceeds such limit as may be prescribed having regard to the availability of land in the locality for the use of the people of the locality, or
- (3) the proposed alienation is, in the opinion of the State Government, prejudicial to the public interest.

Conse-
quences of
alienation
in contra-
vention of
section 4.

6. (1) Any alienation of any land made in contravention of the provisions of section 4 shall be void and of no effect and the land so alienated shall vest in the State Government from the date of alienation free from all incumbrances.

(2) The Collector may, after giving the parties an opportunity of being heard, by order,—

- (a) direct any person in whose possession or control any land or part of land vested in the State Government under sub-section (1) may be to deliver possession thereof to the State Government,
- (b) impose on the transferor a penalty which may amount to double the consideration for which such land was alienated, and
- (c) if, in the opinion of the Collector, there are circumstances justifying a refund of the consideration, if any, paid by the transferee in respect of such land, allow the transferee such refund.

(3) The penalty imposed under clause (b) of sub-section (2) shall be recoverable as an arrear of land revenue payable to the Collector.

Delivery of
possession
of land to
State
Govern-
ment and
penalty.

7. (1) On the issue by the Collector of an order under clause (a) of sub-section (2) of section 6 directing the delivery of possession of any land or part of land to the State Government, any person in whose possession or control such land or part may be shall forthwith deliver possession thereof to the State Government.

The West Bengal Alienation of Land (Regulation) Act, 1960. 229

XVI of 1960.]

(Sections 8—10.)

(2) If any person refuses or fails to comply with the provisions of sub-section (1), the Collector shall,—

(a) if he is a Magistrate, enforce the delivery to the State Government of possession of the land or part of land in respect of which such refusal has been made or failure has been committed, or

(b) if he is not a Magistrate, apply to a Magistrate or, within the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, to the Commissioner of Police, and such Magistrate or Commissioner, as the case may be, shall enforce the delivery to the State Government of possession of such land or part of land.

ten. Act
V of 1866.

(3) Whoever refuses or wilfully obstructs the delivery to the State Government of possession of any land or part of land, delivery of possession whereof to the State Government has been directed by the Collector by an order under clause (a) of sub-section (2) of section 6, shall, on conviction before a Magistrate, be punishable, without prejudice to any other penalty to which he may be liable under any other law for the time being in force, with fine which may extend to two thousand rupees.

8. Any land vested in the State Government under sub-section (1) of section 6 shall be dealt with and disposed of by the State Government in such manner as may be prescribed.

Disposal of
land vested
in State
Govern-
ment under
section
6(1).

9. The State Government may, by notification in the *Official Gazette*, direct that the powers exercisable by it under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the notification, be exercisable also by an officer subordinate to it.

Delegation
of powers.

10. No suit or other legal proceeding shall lie against the State Government, any officer subordinate to it or any other person for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provision of this Act or for anything in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Indemnity.

230 *The West Bengal Alienation of Land (Regulation) Act,
1960.*

[West Ben. Act XVI of 1960.]

(Sections 11—13.)

Orders
under the
Act not to
be
impugned.

11. No order made under this Act shall be called in question in any civil or criminal court.

Power to
make rules.

12. (1) The State Government may make ¹rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for any matter which is required to be or may be prescribed under this Act.

Repeal and
savings.

13. (1) The West Bengal Alienation of Land (Regulation) Ordinance, 1960, is hereby repealed.

West Ben.
Ord. VII
of 1960.

(2) Notwithstanding such repeal or notwithstanding the said Ordinance having ceased to operate before such repeal, anything done or any action taken under the West Bengal Alienation of Land (Regulation) Ordinance, 1960 shall be deemed to have been validly done or taken under this Act as if this Act had commenced on the 20th day of June, 1960.

¹For the West Bengal Alienation of Land (Regulation) Rules, 1960, made under sec. 12, see notification No. 15356 L. Ref., dated 14.10.60, published in the *Calcutta Gazette, Extraordinary* of 1960, Part I, pages 2673-2674.

West Bengal Act XX of 1960¹

THE INDIAN EVIDENCE (WEST BENGAL AMENDMENT) ACT, 1960.

[5th January, 1961.]

*An Act to amend the Indian Evidence Act, 1872, in its
application to West Bengal.*

WHEREAS it is expedient to amend the Indian Evidence Act,
1 of 1872. 1872, in its application to West Bengal, for the purpose and in
the manner hereinafter appearing ;

It is hereby enacted in the Eleventh Year of the
Republic of India, by the Legislature of West Bengal,
as follows :—

1. (1) This Act may be called the Indian Evidence (West Bengal Amendment) Act, 1960. Short title
and extent.

(2) It extends to the whole of West Bengal.

2. The Indian Evidence Act, 1872 (hereinafter referred to
as the said Act), shall, in its application to West Bengal,
be amended for the purpose and in the manner hereinafter
provided. Applica-
tion of the
Act.

3. In section 78A of the said Act as inserted by the Indian
Evidence (West Bengal Amendment) Act, 1955— Amend-
ment of
section
78A of Act
I of 1872.

West Ben.
Act XXIX
of 1955.

(1) for the words “a partitioned district or sub-district have
been kept in East Bengal,” the words “West
Bengal have been kept in Pakistan,” shall be
substituted ; and

(2) the *Explanation* shall be omitted.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 27th October, 1960, Part IVA, page 2618 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 17th November, 1960 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 22nd November, 1960.

West Bengal Act XXII of 1960¹

THE WEST BENGAL VETERINARY PRACTITIONERS ACT, 1960.

[12th January, 1961.]

An Act to provide for the registration of veterinary practitioners in West Bengal and for certain other matters connected therewith.

WHEREAS it is expedient to provide for the registration of veterinary practitioners in West Bengal and for certain other matters connected therewith ;

It is hereby enacted in the Eleventh Year of the Republic of India, by the Legislature of West Bengal, as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the West Bengal Veterinary Practitioners Act, 1960. Short title,
extent and
commence-
ment.
- (2) It extends to the whole of West Bengal.
- (3) It shall come into ²force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.
- (a) "Council" means the West Bengal Veterinary Council established under section 3 ;
- (b) "Director" means the Director of Veterinary Services of the Government of West Bengal ;
- (c) "Member" means a member of the Council ;
- (d) "prescribed" means prescribed by rules made under this Act ;
- (e) "President" means the President of the Council, and includes a member of the Council chosen by the members to preside at a meeting of the Council in the absence of the President.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 8th November, 1960, Part IVA, pages 2964-2965 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 22nd, 23rd and 24th November, 1960 ; and for the proceedings of the West Bengal Legislative Council, see the proceedings of the meetings of that Council held on the 7th and 12th December, 1960.

²This Act came into force on the 1st March, 1963. *Vide* notification No. 1216 Vety., dated the 13th February, 1963, published in the *Calcutta Gazette* of 1963, Part I, page 682.

[West Ben. Act

(Chapter II.—*West Bengal Veterinary Council.*—
Sections 3, 4.)

(f) “recognised veterinary qualification” means any of the veterinary degrees, diplomas or certificates included in the Schedule :

Provided that the degrees, diplomas and certificates granted by the Government or any other authority of any State in India outside West Bengal shall not be deemed to be recognised veterinary qualifications for the purposes of this Act unless, in pursuance of a scheme of reciprocity for recognition of veterinary qualifications, the Government of such State has, by notification, recognised for the purposes of that State, the degrees, diplomas and certificates granted by the Government and other authorities of West Bengal ;

(g) “register” means the register of veterinary practitioners maintained under section 18 ;

(h) “registered” veterinary practitioner” means a veterinary practitioner whose name is for the time being entered in the register ;

(i) “Registrar” means the Registrar appointed under section 17 ;

(j) “regulation” means a regulation made under section 16 ;

(k) “Vice-President” means the Vice-President of the Council ;

(l) “year” means a period of twelve months.

CHAPTER II.

WEST BENGAL VETERINARY COUNCIL.

Establish-
ment of the
Council. 3. (1) The State Government shall, by notification in the *Official Gazette*, establish a Council to be called the West Bengal Veterinary Council.

(2) The Council shall be a body corporate, with power to acquire, hold and transfer property, movable or immovable, and shall have perpetual succession and a common seal, and shall, by the said name, sue and be sued.

Constitu-
tion of the
Council. 4. The Council shall consist of the following members, namely :—

(a) The Director—*ex-officio*.

(b) The Principal of the Veterinary College, West Bengal—*ex-officio*.

XXII of 1960.]

*(Chapter II.—West Bengal Veterinary Council.—
Sections 5—7.)*

- (c) One member from each University in West Bengal elected by the members of the Faculty of the University dealing with veterinary science from among themselves.
- (d) Four members elected by registered veterinary practitioners from among themselves.
- (e) Two members appointed by the State Government from among registered veterinary practitioners :

Provided that on the first constitution of the Council after its establishment, all the members of the Council other than the *ex-officio* members shall be appointed by the State Government from among practitioners of veterinary medicine or surgery in West Bengal.

5. (1) The members of the Council shall elect a President and a Vice-President from among themselves :

President
and Vice-
President.

Provided that on the first constitution of the Council after its establishment the President and the Vice-President shall be appointed by the State Government.

(2) A President or a Vice-President shall be deemed to have vacated office as soon as the Council holds its first meeting after its reconstitution ; provided that he shall cease to hold office if he ceases to be a member of the Council before its reconstitution.

(3) An appointed President or Vice-President may resign his office by writing under his hand addressed to the State Government and shall be deemed to have vacated office on such resignation being accepted by the State Government.

(4) An elected President or Vice-President may resign his office by a notice in writing addressed to the Council and shall be deemed to have vacated office on such resignation being accepted by the Council at a meeting.

(5) Any casual vacancy in the office of the President or the Vice-President caused by death, resignation, removal or otherwise shall be filled by appointment or election, as the case may be, and the person so appointed or elected shall hold office for the unexpired period of the term of office of the President or Vice-President whose place he fills.

6. In default of any election in accordance with the provisions of this Act and of the rules made thereunder the State Government shall appoint a President, a Vice-President or a member, as the case may be.

Appoint-
ment of
members,
etc., in
default of
election.

7. Any election to be held under the provisions of this Act shall be held at such time and place and in such manner as may be prescribed.

Election of
members,
etc.

[West Ben. Act

(Chapter II.—*West Bengal Veterinary Council.—*
Sections 8—12.)

Disqualifi-
cation for
being elec-
ted or ap-
pointed a
member,

8. A person shall be disqualified for being elected or appointed, or shall cease to be, a member, if he—

- (a) has been convicted and sentenced by any court for any non-bailable offence, such sentence not having been subsequently reversed or quashed,
- (b) has been convicted and sentenced by a court-martial,
- (c) is an undischarged insolvent, or
- (d) is of unsound mind :

Provided that the State Government may condone any disqualification referred to in clause (a) or clause (b) if the sentence has been fully undergone and a period of two years has elapsed since the termination of such sentence.

Publication
of names of
members,
etc.

9. The name of every President, Vice-President or member elected or appointed under the provisions of this Act shall be published by the State Government in the *Official Gazette*.

Tenure of
office.

10. (1) A member other than an *ex-officio* member, shall, save as otherwise expressly provided in this Act, hold office until the expiry of a term of five years from the date of his election or appointment or until his successor has been duly elected or appointed, whichever is later :

Provided that a member elected under clause (c) of section 4 shall cease to hold office on his ceasing to be a member of the Faculty.

(2) An appointed or elected member may, at any time, resign his office by writing under his hand addressed to the State Government or to the President, as the case may be. Such resignation shall take effect from the date on which the communication is received by the State Government or the President.

Leave of
absence to
members.

11. The Council may permit a member to absent himself from the meetings of the Council for any period not exceeding six months.

Removal of
members.

12. The State Government may remove an appointed member or the Council may remove an elected member from office—

- (a) if he absents himself without leave or sufficient cause from three consecutive meetings of the Council ;
or
- (b) if he becomes disqualified under the provisions of section 8.

XXII of 1960.]

*(Chapter II.—West Bengal Veterinary Council.—
Sections 13—16.)*

13. Any casual vacancy in the office of a member caused by death, resignation or removal shall be reported to the State Government by the President and shall be filled by appointment or, as the case may be, by election within such time and in such manner as may be prescribed.

Filling up
of casual
vacancies.

14. No act of the Council shall be deemed to be invalid merely by reason of any vacancy or defect in the constitution of the Council or of the absence of any member.

Saving.

15. (1) The Council shall meet at such time and place and a meeting of the Council shall be summoned in such manner, as may be provided by regulations :

Time and
place of
meetings of
Council.

Provided that until such regulations are made, it shall be lawful for the President to summon a meeting at such time and place as he may deem expedient by sending a notice to each member at least seven days in advance.

(2) (a) No business shall be transacted at any meeting unless a quorum of four members be present ; and

(b) all matters which come up for consideration at any meeting shall be decided by the votes of the majority of the members present and voting, or, in case of an equality of votes, by the casting vote of the President.

16. (1) Subject to the provisions of this Act and the rules made thereunder the Council may make regulations providing for—

Regula-
tions.

(a) the times and places at which meetings of the Council shall be held,

(b) the issue of notices convening such meetings,

(c) the conduct of business at such meetings,

(d) the constitution, powers, duties and procedure of special committees,

(e) the conditions subject to which a name struck off from the register on cancellation of registration or otherwise may be re-entered therein.

(2) The Council may, with the prior approval of the State Government, make regulations determining—

(a) the qualifications, the emoluments and the conditions of service of its employees other than the Registrar, and

(b) the rates at which and the conditions under which travelling expenses may be drawn by members of the Council.

[West Ben. Act

(Chapter III.—Establishment.—Section 17.—Chapter IV.—
Registration of Veterinary Practitioners and powers and duties
of the Council.—Sections 18—20.)

CHAPTER III.

ESTABLISHMENT.

Registrar
and estab-
lishment
for the
Council.

17. (1) The State Government shall appoint an officer of the Directorate of Veterinary Services of the State Government as the Registrar on such terms as the State Government may determine.

(2) The Registrar shall act as the Secretary of the Council.

(3) The Council may appoint such other officers and servants as it may consider necessary for the purposes of this Act.

(4) Every person appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Act XLV
of 1860.

CHAPTER IV.

REGISTRATION OF VETERINARY PRACTITIONERS AND POWERS AND DUTIES OF THE COUNCIL.

Register of
veterinary
practi-
tioners.

18. (1) The Council shall, as soon as may be, after its first constitution, arrange for the registration of veterinary practitioners and for that purpose, shall, by notification in the *Official Gazette*, appoint a date on or before which applications for first registration of names shall be made by veterinary practitioners qualified for registration under this Act.

(2) The names and addresses, the qualifications together with the dates on which such qualifications were acquired, and the dates of registration of all veterinary practitioners registered under this Act shall be entered in a register to be maintained for the purpose.

Custody
and main-
tenance of
register.

19. (1) The Registrar shall maintain the register in such form and in such manner as may be prescribed and shall make from time to time such entries, corrections, alterations or modifications in the entries therein as may be necessary or as may be directed by the Council.

(2) To enable the Registrar to fulfil the duties imposed upon him by sub-section (1), he may call for any information he may require from any registered veterinary practitioner.

Persons
entitled
to be
registered

20. (1) Every person possessing a recognised veterinary qualification may, subject to the provisions of this Act and on payment of such fee as may be prescribed, apply to have his name entered in the register.

XXII of 1960.]

(Chapter IV.—Registration of Veterinary Practitioners and powers and duties of the Council.—Section 21.)

(2) A person who applies to have his name entered in the register shall—

- (a) satisfy the Council that he is in possession of a recognised veterinary qualification,
- (b) mention in his application the date on which he acquired the qualification which entitles him to claim registration, and
- (c) give the Council any other information which may reasonably be required for the purpose of registration.

21. (1) The Council may, on being satisfied that a person applying for registration possesses a recognised veterinary qualification and has paid the prescribed fee, allow the application and direct the Registrar to enter his name in the register and such entry shall, unless cancelled earlier, be borne in the register for one year.

Registration.

(2) The Registrar shall, on the registration of a person's name, give him a certificate of registration under his hand and seal.

(3) The Council may, after giving the person concerned an opportunity of being heard, refuse to permit the registration, or cancel the registration, of the name of any person—

- (a) who has been convicted and sentenced by any Court for any non-bailable offence, such sentence not having been subsequently reversed or quashed, or
- (b) whom the Council, after due inquiry, which may, in the discretion of the President, be held in camera, finds guilty, by a majority of two-thirds of the members present and voting, of infamous conduct in his professional capacity :

Provided that the State Government may condone the conviction referred to in clause (a) if the sentence has been fully undergone and a period of two years has elapsed since the termination of such sentence.

(4) The Council may, after giving the person concerned an opportunity of being heard, direct that any entry in the register which is proved to the satisfaction of the Council to be incorrect or false be corrected or cancelled.

(5) If any person whose name is entered in the register obtains any recognised veterinary qualification other than the qualification in respect of which his name has been registered, he shall, on payment of such fee as may be prescribed, be entitled to have such additional qualification entered against his name in the register either in substitution of, or in addition to, any entry previously made.

[West Ben. Act

(Chapter IV.—Registration of Veterinary Practitioners and powers and duties of the Council.—Sections 22—25.)

Amend-
ment of
Schedule.

22. If the Council is satisfied—

- (a) that any degree, diploma or certificate granted by and Ununiversity, College, School, Institution or other authority is a sufficient guarantee that persons possessing such degree, diploma or certificate possess the knowledge and skill requisite for the efficient practice of veterinary medicine or surgery, or
- (b) that any recognised veterinary qualification is not a sufficient guarantee as aforesaid,

it may make a report to that effect to the State Government which may, if it thinks fit, thereupon direct, by notification in the *Official Gazette*,—

- (i) in case (a)—that such degree, diploma or certificate shall, subject to the other provisions of this Act, be a recognised veterinary qualification, or
- (ii) in case (b)—that such qualification shall cease to be a recognised veterinary qualification,

and the Schedule shall thereupon be deemed to be amended accordingly.

Power of
Council to
call for
informa-
tion and
attend
examina-
tion.

23. The Council shall have power to call on the authorities of any veterinary college, school or institution, or any other authority awarding degrees, diplomas or certificates in veterinary science, whether such qualifications are recognised or not—

- (a) to furnish such particulars, as the Council may require, of any course of study prescribed or any examination held for the grant of any such degree, diploma or certificate, and
- (b) to permit a member of the Council deputed by it to attend and watch any such examination.

Appeal to
State
Govern-
ment from
decision of
Council.

24. If any person is dissatisfied with any decision of the Council refusing or cancelling the registration of his name or directing the correction or cancellation of any entry in the register, he may at any time within thirty days from the date of such decision and on payment of such fee as may be prescribed, appeal to the State Government and the decision of the State Government shall be final.

Renewal
fee.

25. (1) A veterinary practitioner whose name is entered in the register shall be entitled to have his name retained in the register on payment of such annual renewal fee and within such time as may be prescribed.

The West Bengal Veterinary Practitioners Act, 1960. 241

XXII of 1960.]

(Chapter IV.—Registration of Veterinary Practitioners and powers and duties of the Council.—Sections 26—28.)

(2) If the renewal fee is not paid within the time prescribed, the Registrar shall strike off the name of the defaulter from the register :

Provided that any name so struck off from the register may, subject to such conditions as the Council may by regulation provide, be re-entered in the register on payment of the renewal fee.

26. (1) A veterinary practitioner whose name is struck off from the register under sub-section (2) of section 25 shall forthwith surrender his certificate of registration to the Registrar and the name so struck off shall be published in the *Official Gazette*.

Consequences of striking off name from register.

(2) If any such name is afterwards re-entered in the register in accordance with the provisions of this Act, the fact of such re-entry shall be published in the *Official Gazette* and the certificate of registration shall be returned to the veterinary practitioner concerned.

27. On receipt of any reliable information regarding the death of any registered veterinary practitioner the Registrar shall after making such enquiry as he thinks fit remove the name of the deceased from the register.

Notice of deaths, and removal of names from register.

28. (1) The Registrar shall once in every five years, on or before a date to be fixed in this behalf by the Council, cause to be printed and published a correct list of the names for the time being in the register setting forth—

Publication of, and presumption as to entries in, the annual list of veterinary practitioners.

- (a) all the names entered in the register arranged in alphabetical order according to the surnames,
- (b) the registered address of each person whose name is entered in the register, and
- (c) the qualifications of each such person together with the dates when such qualifications were acquired.

(2) The Registrar shall also cause to be printed and published in the month of January every year an annual supplement to such list showing therein the additions, alterations or corrections made in the entries in the register during the preceding year.

(3) Every court shall presume until the contrary is proved that a person whose name is entered in the latest list as modified by the supplement is duly registered under this Act and that a person whose name is not so entered is not registered under this Act :

Provided that, in the case of any person whose name does not appear in such list, a certified copy, signed by the Registrar, of the entry of the name of such person in the register shall be evidence that such person is registered under this Act.

[West Ben. Act

(Chapter V.—*Financial Matters.*—Sections 29, 30,—Chapter VI.—*Miscellaneous.*—Section 31.)

CHAPTER V.

FINANCIAL MATTERS.

Accounts,
budget and
grants.

29. (1) The Council shall maintain in such form as may be prescribed proper accounts which shall be audited annually by an auditor appointed in this behalf by the State Government.

(2) The Council shall prepare, within such time as may be prescribed and in accordance with such directions as the State Government may, from time to time, issue in this behalf, its budget estimates for each year and shall forward the same to the State Government for its approval together with the last audit report.

(3) The State Government may make such annual grants as it may consider necessary to the Council for the proper discharge of the functions of the Council under this Act.

The
Council
fund.

30. (1) All moneys received by the Council as fees and grants under this Act or otherwise shall be paid into a fund to be called "the West Bengal Veterinary Council Fund" which shall be under the management and control of the Council and shall be held and applied by the Council for the purposes of this Act in such manner as may be prescribed.

(2) All moneys credited to the West Bengal Veterinary Council Fund shall forthwith be deposited in the State Bank of India, Calcutta, to the credit of an account to be called "the West Bengal Veterinary Council Fund Account".

CHAPTER VI.

MISCELLANEOUS.

Disabilities
of unregis-
tered prac-
titioners.

31. (1) Notwithstanding anything contained in any other law for the time being in force, no certificate required by any law or rule to be signed or authenticated by a duly qualified veterinary practitioner, veterinary surgeon or veterinary officer shall be valid unless the person signing or authenticating such certificate is a registered veterinary practitioner.

(2) Except with the special sanction of the State Government no person other than a registered veterinary practitioner shall be competent to hold any appointment as a veterinary surgeon or veterinary officer in any veterinary hospital, infirmary or dispensary maintained wholly or partly by public or local funds.

The West Bengal Veterinary Practitioners Act, 1960. 243

XXII of 1960.]

(Chapter VI.—Miscellaneous.—Sections 32—36.)

32. If any person whose name is not entered in the register falsely pretends that it is so entered, or uses in connection with his name or title any words or letters representing that his name is so entered, he shall, whether any person is actually deceived by such representation or not, be punishable, on conviction, with fine which may extend to three hundred rupees.

Penalty on unregistered person representing that he is registered.

33. No court other than the court of a Presidency Magistrate or of a Magistrate of the First Class shall take cognizance of or try an offence under this Act.

Courts competent to try offences under this Act.

V of
8.

34. For the purpose of any inquiry under clause (b) of sub-section (3) of section 21, the Council shall have the powers of a Civil Court while disposing of suits under the Code of Civil Procedure, 1908, in respect of the following matters, namely :—

Proceedings in inquiries.

- (a) summoning and enforcing the attendance of any person and examining him on oath,
- (b) requiring the discovery and production of documents, and
- (c) receiving evidence on affidavits.

35. The State Government may give to the Council such directions as may be necessary for carrying out the purposes of this Act and it shall be the duty of the Council to comply with such directions.

Power of State Government to give directions to the Council.

36. If at any time it shall appear to the State Government that the Council has failed to exercise or has exceeded or abused a power conferred upon it, or has failed to perform a duty imposed upon it, by or under this Act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Council ; and if the Council fails to remedy such failure, excess or abuse within such time as may be fixed by the State Government in this behalf, it may, after giving the Council an opportunity of representing its case, dissolve the Council and cause all or any of the powers and duties of the Council to be exercised and performed by such agency and for such period as it may think fit :

Control of the Council by the State Government.

Provided that in the case of such dissolution of the Council, the State Government shall take steps as soon as may be convenient to re-constitute the Council in accordance with the provisions of this Act.

[West Ben. Act

(Chapter VI.—Miscellaneous.—Sections 37, 38.—
The Schedule.)

Bar to
suits and
other legal
proceed-
ings.

37. (1) No order under this Act refusing to enter a name in, or removing or striking off a name from, the register shall be called in question in any Civil or Criminal Court.

(2) No suit or other legal proceeding shall lie in any Civil or Criminal Court in respect of any act done or purported to have been done in good faith under this Act or any rule or regulation made thereunder by the State Government or the Council or the Registrar or any other person.

Power to
make rules.

38. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the time and manner of holding elections,
- (b) the form of the register,
- (c) the application of moneys at the credit of the West Bengal Veterinary Council Fund,
- (d) the procedure to be followed by the Council in conducting any enquiry,
- (e) the fees chargeable under this Act,
- (f) the maintenance and submission of accounts of the West Bengal Veterinary Council Fund,
- (g) the regulation of annual grants made by the State Government to the Council, and
- (h) any other matter which may be or is required to be prescribed.

THE SCHEDULE

[See sections 2(f), 20, 21 and 22.]

Veterinary degrees, diplomas and certificates, holders of which are entitled to have their names entered in the register of registered veterinary practitioners :—

1. Degrees of—

- (i) Bachelor of Science (Veterinary)—Calcutta (West Bengal).
- (ii) Bachelor of Science (Veterinary)—Bombay.
- (iii) Bachelor of Science (Veterinary)—Uttar Pradesh.
- (iv) Bachelor of Science (Veterinary)—Madhya Pradesh.

XXII of 1960.]

(The Schedule.)

- (v) Bachelor of Science (Veterinary)—Bihar.
- (vi) Bachelor of Veterinary-Science—Madras.
- (vii) Bachelor of Veterinary-Science—Punjab (1).
- (viii) Bachelor of Veterinary-Science—Kerala.
- (ix) Bachelor of Veterinary-Science—Saugar.
- (x) Bachelor of Science (Veterinary and Animal Husbandry)—Agra.
- (xi) Bachelor of Science (Veterinary and Animal Husbandry)—Andhra.
- (xii) Bachelor of Science (Veterinary and Animal Husbandry)—Gauhati.
- (xiii) Bachelor of Veterinary Science and Animal Husbandry—Rajasthan.
- (xiv) Bachelor of Veterinary Science and Animal Husbandry—Utkal.
- (xv) Bachelor of Veterinary Science and Animal Husbandry—Vikram.

2. Diplomas of—

- (i) Graduate of Bengal Veterinary College.
- (ii) Graduate of Bombay Veterinary College.
- (iii) Graduate of Madras Veterinary College.
- (iv) Graduate of Bihar Veterinary College.
- (v) Graduate of Punjab Veterinary College.
- (vi) Graduate of Assam Veterinary College.

3. Diplomas granted by the West Bengal Board of Veterinary Education.

4. Certificates of Licensed Veterinary Practitioners, Punjab (granted by Punjab Government).

5. Certificates of Fellowship and Membership of the Royal College of Veterinary Surgeons, United Kingdom and Ireland.

6. Degrees of Bachelor, Master or Doctor of Veterinary Science of any of the Universities in the United Kingdom, Sweden or the United States of America.

West Bengal Act III of 1961¹

THE BIHAR TENANCY (WEST BENGAL AMENDMENT) ACT, 1961.

[13th March, 1961.]

*An Act to amend the Bihar Tenancy Act, 1885, in its
application to West Bengal.*

VIII of
1885.

WHEREAS it is expedient to amend the Bihar Tenancy Act, 1885, in its application to West Bengal for the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Twelfth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the Bihar Tenancy (West Bengal Amendment) Act, 1961. Short title.

2. The Bihar Tenancy Act, 1885 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be amended for the purpose and in the manner hereinafter provided. Application of the Act.

3. To section 53 of the said Act, the following proviso shall be added, namely :— Amend-
ment of
section 53
of Act
VIII of
1885.

Bihar
Act 30 of
1950.

“Provided that in the case of rent determined under the Bihar Land Reforms Act, 1950,—

(i) the amount of rent payable for the period up to and including the agricultural year in which such determination takes place shall be paid in such instalments and by such dates as the State Government may direct, and

(ii) the rent payable for any subsequent agricultural year shall be paid in four equal instalments falling due on the last date of each quarter of the agricultural year.”.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 19th January, 1961, Part IVA, page 358 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 2nd February, 1961 ; and for the proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 6th February, 1961.

West Bengal Act IV of 1961¹

THE WEST BENGAL APPROPRIATION ACT, 1961.

[28th March, 1961.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1962.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1962 ;

It is hereby enacted in the Twelfth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the West Bengal Appropriation Act, 1961. Short title.

2. From and out of the Consolidated Fund of West Bengal there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees one hundred and sixty-seven crores, sixty-four lakhs, twenty-two thousand and one towards defraying several charges which will come in course of payment during the year ending on the thirty-first day of March, 1962, in respect of the services and purposes specified in column 2 of the Schedule. Issue of
Rs. 1,67,64,
22,001
out of the
Consoli-
dated
Fund of
West Ben-
gal for
the year
1961-62.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1962. Appro-
priation.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of 1961, Part IVA, page 899 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 22nd March, 1961 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 24th March, 1961.

(Schedule.)

SCHEDULE.

(See sections 2 and 3.)

Grant No.	Services and purposes.	8		
		Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consoli- dated Fund.	Total.
		Rs.	Rs.	Rs.
	A—Collection of Taxes, Duties and Other Revenues.			
1	4—Taxes on Income other than Corporation Tax and Estate Duty.	6,33,000	2,000	6,35,000
	7—Land Revenue			
2	AA—Taxes, Duties and Other Revenues—Forest and other Capital Accounts outside the Revenue Account.	9,21,19,000	3,000	9,21,22,000
	65—Payment of compensation to land-holders, etc., on the abolition of the Zamindari System.			
	Total—Grant No. 2 ...	9,21,19,000	3,000	9,21,22,000
	A—Collection of Taxes, Duties and Other Revenues.			
3	8—State Excise Duties ...	46,04,000	...	46,04,000
4	9—Stamps ...	9,55,000	...	9,55,000
5	10—Forest ...	1,27,76,000	...	1,27,76,000
6	11—Registration ...	25,47,000	...	25,47,000
7	12—Taxes on Vehicles ...	...	4,50,000	4,50,000
8	12A—Sales Tax ...	26,97,000	2,000	26,99,000
9	13—Other Taxes and Duties ...	13,29,000	...	13,29,000
	C—Revenue Account of Irrigation, Navigation, Embankment and Drainage Works.			
10	17—Interest on Irrigation Works (Commercial).	...	22,81,000	22,81,000

of 1961.]

(Schedule.)

1 nt o.	2 Services and purposes.	3 Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Ra.	Ra.	Ra.
	XVII—Irrigation—Working expenses			
	18—Other Revenue expenditure financed from Ordinary Revenues.			
	H—Civil Works and Miscellaneous Public Improvements.			
	51A—Interest on Capital Outlay on Multipur- pose River Schemes.			
	51B—Other Revenue expenditure connected with Multipurpose River Schemes.			
1	CC—Capital Account of Irrigation, Navigation, Embankment and Drainage Works outside the Revenue Account.	6,80,86,000	92,95,000	7,73,81,000
	68—Construction of Irrigation, Navigation, Embankment and Drainage Works (Commercial).			
	68A—Construction of Irrigation, Navigation, Embankment and Drainage Works (Non- commercial).			
	HH—Capital Account of Civil Works and Miscellaneous Public Improvements out- side the Revenue Account.			
	80A—Capital Outlay on Multipurpose River Schemes outside the Revenue Account.			
	Total Grant No. 11 ...	6,80,86,000	92,95,000	7,73,81,000
	E—Debt Services.			
12	22—Interest on Debt and other obligations	1,000	5,07,07,000	5,07,08,000
13	23—Appropriation for Reduction or Avoidance of Debt.	...	3,26,16,000	3,26,16,000

(Schedule.)

Grant No.	Services and purposes.	3		
		Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	F—Administrative Services.			
14	25—General Administration	3,67,17,000	11,56,000	3,78,73,000
15	27—Administration of Justice	95,52,000	31,87,000	1,27,39,000
16	28—Jails	1,10,41,000	...	1,10,41,000
17	29—Police	8,46,90,000	2,000	8,46,92,000
	FA—Social and Developmental Services.			
18	30—Ports and Pilotage	10,58,000	...	10,58,000
19	36—Scientific Departments	76,000	...	76,000
20	37—Education	18,45,82,000	...	18,45,82,000
21	38—Medical	6,37,48,000	...	6,37,48,000
22	39—Public Health	2,44,45,000	...	2,44,45,000
23	40—Agriculture—Agriculture	9,48,76,000	...	9,48,76,000
	FFA—Social and Developmental Services—Capital Account outside the Revenue Account.			
	71—Capital Outlay on schemes of Agricultural Improvement and Research outside the Revenue Account.			
	Total—Grant No. 23	9,48,76,000	...	9,48,76,000
	FA—Social and Developmental Services.			
24	40—Agriculture—Fisheries	33,77,000	...	33,77,000
25	41—Animal Husbandry	1,87,40,000	...	1,87,40,000
	JJ—Miscellaneous Capital Account out- side the Revenue Account.			
	85A—Capital Outlay on schemes of Govern- ment Trading—Greater Calcutta Milk Supply Scheme.			
	Total—Grant No. 25	1,87,40,000	...	1,87,40,000

IV of 1961.]

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	FA—Social and Developmental Services.			
26	42—Co-operation	67,62,000	...	67,62,000
	43—Industries—Industries			
	H—Civil Works and Miscellaneous Public Improvements.			
	XLI—Receipts from Electricity Schemes—Working Expenses.			
27	FFA—Social and Developmental Services—Capital Account outside the Revenue Account.	2,21,38,000	11,000	2,21,49,000
	72—Capital Outlay on Industrial Development outside the Revenue Account.			
	Total—Grant No. 27 ...	2,21,38,000	11,000	2,21,49,000
	FA—Social and Developmental Services.			
	43—Industries—Cottage Industries			
28	FFA—Social and Developmental Services—Capital Account outside the Revenue Account.	2,90,38,000	...	2,90,38,000
	72—Capital outlay on Industrial Development outside the Revenue Account—Cottage Industries.			
	Total—Grant No. 28 ...	2,90,38,000	...	2,90,38,000
	FA—Social and Developmental Services.			
29	43—Industries—Cinchona	40,14,000	...	40,14,000
30	46—Labour and Employment	23,86,000	...	23,86,000
31	47—Miscellaneous Departments—Fire Services.	45,09,000	...	45,09,000
32	47—Miscellaneous Departments (excluding Fire Services).	...	...	...

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
33	47—Miscellaneous Departments—Welfare of Scheduled Tribes and Castes and other Backward Classes.	1,44,04,000	...	1,44,04,000
34	47—Miscellaneous Departments (Excluding Fire Services and Welfare of Scheduled Tribes and Castes and other Backward Classes).	60,88,000	...	60,88,000
	H—Civil Works and Miscellaneous Public Improvements.			
35	50—Civil Works	4,80,21,000	14,04,000	4,94,25,000
	J—Miscellaneous.			
36	54—Famine	2,59,24,000	...	2,59,24,000
37	54B—Privy Purses and Allowances of Indian Rulers.	1,69,000	...	1,69,000
38	55—Superannuation allowances and pensions	1,64,45,000	2,22,000	1,66,67,000
	JJ—Miscellaneous Capital Account outside the Revenue Account.			
	83—Payments of commuted value of pensions.			
	Total—Grant No. 38 ...	1,64,45,000	2,22,000	1,66,67,000
	J—Miscellaneous.			
39	56—Stationery and Printing	87,24,000	...	87,24,000
40	57—Miscellaneous—Contributions ...	1,82,69,000	2,41,000	1,92,10,000

IV of 1961.]

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
41	57—Miscellaneous—Other Miscellaneous Expenditure.			
	JJ—Miscellaneous Capital Account outside the Revenue Account.	16,21,63,000	2,000	16,21,65,000
	82—Capital Account of other State Works outside the Revenue Account.			
	Total—Grant No. 41 ...	16,21,63,000	2,000	16,21,65,000
42	E—Debt Services.			
	22—Interest on Debt and other Obligations—Expenditure on displaced persons.			
	J—Miscellaneous.			
	57—Miscellaneous—Expenditure on displaced persons.			
	JJ—Miscellaneous Capital Account outside the Revenue Account.			
	82—Capital Account of other State Works outside the Revenue Account—Expenditure on displaced persons.	4,61,54,000	45,89,000	5,07,43,000
	Public Debt.			
	Loans for displaced persons			
	Loans and Advances by State Government.			
	Loans and Advances to displaced persons			
	Total—Grant No. 42 ...	4,61,54,000	45,89,000	5,07,43,000

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
43	E—Debt Services.			
	22—Interest on Debt and other obligations—Community Development Projects.			
	FA—Social and Developmental Services.			
	47A—Community Development Projects, National Extension Services and Local Development Works.			
	M—Extraordinary Items.			
	63B—Community Development Projects, National Extension Services and Local Development Works.			
	JJ—Miscellaneous Capital Account outside the Revenue Account.	3,59,82,000	39,52,000	3,99,34,000
	82—Capital Account of other State Works outside the Revenue Account—Community Development Projects.			
	Public Debt.			
	Loans for Community Development Projects.			
	Loans and Advances by State Government.			
	Loans and Advances under Community Development Projects.			
	Total—Grant No. 43 ...	3,59,82,000	39,52,000	3,99,34,000
	M—Extraordinary Items.			
44	63—Extraordinary Charges in India	2,14,25,000	3,000	2,14,28,000
45	64C—Pre-Partition Payments ...	300,000	...	3,00,000

[V of 1961,]

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	HH—Capital Account of Civil Works and Miscellaneous Public Improvements outside the Revenue Account.			
46	80A—Capital Outlay on Multipurpose River Schemes outside the Revenue Account—Damodar Valley Project.	5,90,87,000	...	5,90,87,000
47	81—Capital Account of Civil Works outside the Revenue Account.	9,46,42,000	1,55,000	9,47,97,000
	J—Miscellaneous.			
48	XLVIA—Receipts from Road and Water Transport Schemes—Working expenses.	28,06,000	...	28,06,000
	JJ—Miscellaneous Capital Account outside the Revenue Account.			
	82B—Capital Outlay on Road and Water Transport Schemes outside the Revenue Account.			
	Total—Grant No. 48 ...	28,06,000	...	28,06,000
49	85A—Capital Outlay on Schemes of Government Trading.	1	...	1
	Public Debt.			
	Floating Debt			
50	Loans from Union Government (excluding Loans for displaced persons and Community Development Projects).	...	12,37,66,000	12,37,66,000
	Other Loans			
	Total—Grant No. 50 ...	...	12,37,66,000	12,37,66,000
	Loans and Advances by State Government.			
51	Loans and Advances by State Government ...	9,36,27,000	...	9,36,27,000
	Grand Total ...	1,44,16,76,001	23,47,46,000	1,67,64,22,001

West Bengal Act VI of 1961¹

THE WEST BENGAL APPROPRIATION (NO. 2) ACT, 1961.

[29th March, 1961.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1961.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1961 ;

It is hereby enacted in the Twelfth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

- | | |
|---|---|
| 1. This Act may be called the West Bengal Appropriation (No. 2) Act, 1961. | Short title. |
| 2. From and out of the Consolidated Fund of West Bengal there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees twelve crores six lakhs, ten thousand and five hundred and ninety towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1961, in respect of the services and purposes specified in column 2 of the Schedule. | Issue of Rupees 12, 06, 10, 590 out of the Consolidated Fund of West Bengal for the year 1960-61. |
| 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1961. | Appropriation. |

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 23rd March, 1961, Part IVA, page 866 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 23rd March, 1961 ; and for proceedings of West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 27th March, 1961.

(Schedule.)

SCHEDULE.

(See sections 2 and 3.)

1	2	3		
		Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
	Services and purposes.	Rs.	Rs.	Rs.
1	4—Taxes on income other than Corporation Tax and Estate Duty.	8,000	...	8,000
2	7—Land Revenue ...	47,00,000	4,100	47,04,100
3	8—State Excise Duties ...	1,24,000	...	1,24,000
6	11—Registration ...	89,000	...	89,000
8	12A—Sales Tax ...	...	5,131	5,131
10	17—Interest on Irrigation Works (Commercial).	...	1,55,000	1,55,000
12	22—Interest on Debt and other obligations.	...	19,89,000	19,89,000
14	25—General Administration ...	22,21,000	...	22,21,000
15	27—Administration of Justice ...	5,51,000	52,000	6,03,000
16	28—Jails ...	6,07,000	...	6,07,000
17	29—Police ...	30,96,500	36,775	31,33,275
18	30—Ports and Pilotage ...	1,46,000	...	1,46,000
19	36—Scientific Departments ...	6,000	...	6,000
20	37—Education ...	2,04,27,000	...	2,04,27,000
21	38—Medical ...	...	5,510	5,510
23	40—Agriculture—Agriculture ...	...	200	200
27	43—Industries—Industries 73—Capital Outlay on Industrial Development outside the Revenue Account.	43,94,000	...	43,94,000
	Total—Grant No. 27	43,94,000	...	43,94,000

VI of 1961.]

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
30	47—Miscellaneous Departments—Fire Services.	...	3,100	3,100
32	47—Miscellaneous Departments—Welfare of Scheduled Tribes and Castes and other Backward Classes.	6,00,000	172	6,00,172
33	47—Miscellaneous Departments—Excluding Fire Services and Welfare of Scheduled Tribes, etc.	6,55,000	...	6,55,000
34	50—Civil Works ...	14,69,000	3,35,000	18,04,000
35	54—Famine ...	5,35,41,000	...	5,35,41,000
36	54B—Privy Purses and Allowances of Indian Rulers.	16,000	...	16,000
37	55—Superannuation allowances and pensions.	2,11,000	63,000	2,94,000
	83—Payments of commuted value of pensions.			
	Total—Grant No. 37 ...	2,11,000	63,000	2,94,000
38	56—Stationery and Printing ...	2,78,000	...	2,78,000
39	57—Miscellaneous—Contributions ...	11,35,100	1,29,000	12,64,100
40	57—Miscellaneous—Other Miscellaneous Expenditure.	1,25,80,000	68,000	1,26,48,000
	82—Capital Account of other State Works outside the Revenue Account.			
	Total—Grant No. 40 ...	1,25,80,000	68,000	1,26,48,000

(Schedule.)

1	2	3		
Grant to.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
41	22—Interest on Debt and other obligations—Expenditure on displaced persons.	...	13,77,000	13,77,000
	57—Miscellaneous—Expenditure on displaced persons.			
	Public Debt—Loans for displaced persons.			
	Total—Grant No. 41 ...	...	13,77,000	13,77,000
43	63—Extraordinary charges in India ...	...	5,000	5,000
47	82B—Capital Outlay on Road and Water Transport Schemes outside the Revenue Account.	2	...	2
48	85A—Capital Outlay on Schemes of Government Trading.	...	36,000	36,000
50	Loans and Advances by State Government.	94,72,000	...	94,72,000
	Grand Total ...	11,63,26,602	42,63,988	12,06,10,590

West Bengal Act XI of 1961¹

THE BENGAL PUBLIC DEMANDS RECOVERY (VALIDATION OF CERTIFICATES AND NOTICES) ACT, 1961.

[28th April, 1961.]

An Act to validate certificates filed and notices served under the Bengal Public Demands Recovery Act, 1913.

Ben. Act
III of 1913,

WHEREAS it is expedient to validate certain certificates filed and notices served under the Bengal Public Demands Recovery Act, 1913 ;

It is hereby enacted in the Twelfth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the Bengal Public Demands Recovery (Validation of Certificates and Notices) Act, 1961.

Short
title.

2. Notwithstanding any decision of any Court and notwithstanding anything to the contrary contained in the Bengal Public Demands Recovery Act, 1913 (hereinafter referred to as the said Act) or in the rules made or forms prescribed thereunder, no certificate filed under section 4 or section 6 of the said Act and no notice served under section 7 of the said Act shall be deemed to be invalid or shall be called in question merely on the ground of any defect, error or irregularity in the form thereof.

Validation
of certifi-
cates
filed under
sections 4
and 6 and
notices
served
under
section 7
of Ben.
Act III of
1913,

¹For Statement of Objects and Reasons, see the *Calcutta Gazette. Extraordinary* of the 17th February, 1961, Part IVA, page 592 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 28th March, 1961 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 4th April, 1961.

West Bengal Act XIII of 1961¹

THE PASCHIM BANGA AYURVEDIC SYSTEM OF MEDICINE ACT, 1961.

[16th June, 1961.]

An Act to provide for the development of the Ayurvedic system of medicine, to regulate the teaching and practice thereof and to deal with certain other connected matters.

It is hereby enacted in the Twelfth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the Paschim Banga Ayurvedic System of Medicine Act, 1961.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(1) "General Council and State Faculty of Ayurvedic Medicine, West Bengal" means the General Council and State Faculty of Ayurvedic Medicine, West Bengal, established by resolution No. 315 Medical, dated 2nd February, 1937 of the Government of Bengal as subsequently amended ;

(2) "Member" means a member of the *Parishad* ;

(3) "*Parishad*" means the Paschim Banga Ayurved *Parishad* constituted under section 3 ;

(4) "prescribed" means prescribed by rules ;

(5) "President" means the President of the *Parishad* ;

(6) "Register" means the Register of Ayurvedic practitioners maintained under this Act ;

(7) "registered Ayurvedic practitioner" means an Ayurvedic practitioner registered under the provisions of this Act ;

(8) "Registrar" means the Registrar of the *Parishad* ;

(9) "regulations" means regulations made by the *Parishad* under this Act ;

(10) "rules" means rules made by the State Government under this Act ;

(11) "Vice-President" means the Vice-President of the *Parishad*.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 17th November, 1960, Part I, page 3018 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 3rd, 22nd and 23rd February, 1961 and the 25th March, 1961 ; and for the proceedings of the West Bengal Legislative Council, see the proceedings of the meetings of that Council held on the 22nd, 23rd, 28th, 29th and 30th November, 1960, the 1st and 5th December, 1960 and the 3rd April, 1961.

²This Act came into force on the 1st June, 1962. Vide notification No. Medl./6662/GA-12/62, Pt.1, dated the 24th May 1962, published in the *Calcutta Gazette, Extraordinary* of 1962, Part I, page 1866.

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[West Ben. Act

; (Sections 3—5.)

Constitu-
tion of the
Paschim
Banga
Ayurved
Parishad.

3. As soon as may be after the commencement of this Act, the State Government shall, by notification in the *Official Gazette*, establish a body corporate with perpetual succession and a common seal named the Paschim Banga Ayurved Parishad. The Parishad shall be entitled to acquire and hold movable and immovable property, to transfer such property, to contract and to do all things necessary for the purposes of this Act and shall by its name sue and be sued.

Transi-
tional
provision.

4. Upon the constitution of the Parishad—

- (1) the General Council and State Faculty of Ayurvedic Medicine, West Bengal, shall cease to exist and the assets and liabilities thereof shall stand transferred to the Parishad;
- (2) any order passed, any appointment made, anything whatsoever begun or done by the General Council and State Faculty of Ayurvedic Medicine, West Bengal, shall, so far as it is consistent with the provisions of this Act, be deemed to have been passed, made, begun or done by the Parishad.

Composi-
tion of the
Parishad.

5. (1) The Parishad shall consist of the following members, namely:—

- (a) a President nominated by the State Government;
- (b) seven Members nominated by the State Government of whom three shall be registered Ayurvedic practitioners;
- (c) one Member nominated by the Vice-Chancellor of the University of Calcutta;
- (d) the Principal of the State Ayurvedic College, *ex-officio*, when such a college is established;
- (e) the Head of the Ayurvedic Research Institute, *ex-officio*, when such an Institute is established;
- (f) the Principal or Head of an Ayurvedic Tol, nominated by the State Government, when such an institution is established.

ago 266—

Provide •In clause (g) of sub-section (1) of section 5,—

(a) for the words "eight Members", substitute the word "ten Members";

(b) after the words "having registered address within the Burdwan Division from among themselves", insert the words "two being elected by registered Ayurvedic practitioners having registered address within the Jalpaiguri Division from among themselves".

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hav
Di

(Substituted and inserted by West Ben. Act XI of 1967, section 2.)

[No. 5, dated the 1st May, 1970.]

*The Paschim Banga Ayurvedic System of Medicine 267
Act, 1961.*

XIII of 1961.]

(Sections 6—9.)

elected by registered Ayurvedic practitioners having registered address within the Burdwan Division from among themselves and four being elected by registered Ayurvedic practitioners having registered address within the Calcutta and Howrah municipal areas from among themselves.

West Ben.
Act
XXXIII
of 1951.

Explanation.—The expression “Calcutta and Howrah municipal areas” means Calcutta as defined in the Calcutta Municipal Act, 1951, together with the area included in the Howrah municipality and the expressions “Presidency Division” and “Burdwan Division” shall not be deemed to include any part of the areas included within the Calcutta and Howrah municipal areas.

(2) Notwithstanding anything contained in the foregoing sub-section or elsewhere in this Act, on the first constitution of the *Parishad* after its establishment, all the Members of the *Parishad* shall be nominated by the State Government and the State Government shall also nominate one of the Members to be the Vice-President.

6. If the nominating authority referred to in clause (c) of sub-section (1) of section 5, or any electoral body referred to in clause (g) of that sub-section fails by the prescribed date to nominate or elect the requisite number of Member or Members which such authority or body is entitled to nominate or elect, the State Government shall fill up the office of such Member or Members by nomination of a person or persons qualified to be nominated or elected by such authority or body. Any person so nominated by the State Government shall be deemed to have been duly nominated or elected a Member by such authority or body.

Power of
State
Govern-
ment to
nominate
Members
in certain
circum-
stances.

Page 267— A person shall be disqualified for being nominated or

***After clause (4) of section 7, add the following clauses, namely:—**

“(5) he is an employee of the *Parishad*;

(6) he has directly or indirectly any share or interest in any contract with, by or on behalf of the *Parishad*;

(7) he has been dismissed from the service of the Central Government or a State Government or a local authority on a charge of gross misconduct or an offence involving moral turpitude.”.

(Added by West Ben. Act XI of 1967, section 3.)

[No. 5, dated the 1st May, 1970.]

(1) he, without obtaining the permission of the *Parishad*, he is absent from three consecutive meetings of the *Parishad*; or

Disquali-
fication
for nomi-
nation or
election.

les

of

or
n- Publication
tion of
names of
Members.

1c Cessation
of Member-
ship.

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[West Ben. Act

~~age 268—~~

*In clause (3) of section 9, omit the words, brackets and figures "clauses (1) to (3) of".

(Omitted by West Ben. Act XI of 1967, section 4.)

[No. 5, dated the 1st May, 1970.]

referred to in clauses (1) to (3) of section 7.

Filling of casual vacancies.

10. If any Member dies or resigns his office or ceases to be a Member for any other reason the vacancy shall be filled up within six months by a fresh nomination or election under section 5 or section 6 and the Member so nominated or elected shall hold office for the unexpired period of the term of office of the Member whose place he fills.

Term of office of Members.

11. (1) Subject to the provisions of section 10, the term of office of the Members nominated or elected under section 5 or section 6 shall be for four years commencing from the date of the first meeting of the *Parishad* after its first constitution or any subsequent periodical reconstitution, as the case may be.

(2) The term of four years referred to in sub-section (1) shall be held to include any period which may elapse between the expiry of the said period of four years and the date of the first meeting of the *Parishad* following its reconstitution at which a quorum is present.

Resignation.

12. The President, the Vice-President or a Member may resign his office by writing under his hand addressed to the State Government.

The President.

13. (1) The President shall hold office for the period mentioned in section 11.

(2) If the President dies or resigns his office or ceases to hold office, the State Government shall nominate another person as President and such President shall hold office for the unexpired portion of the term of office of the previous President in whose place he is nominated.

The Vice-President.

14. (1) The Members of the *Parishad* shall, at the first meeting after every periodical reconstitution, elect from amongst themselves, a registered Ayurvedic practitioner as Vice-President in such manner as may be prescribed.

(2) The Vice-President shall hold office for the period mentioned in section 11 :

Provided that a Vice-President shall cease to hold office if he ceases to be a Member of the *Parishad*.

[III of 1961.]

(Sections 15, 16.)

(3) If the Vice-President dies or resigns his office or ceases to hold office, the Members of the *Parishad* shall elect, from amongst themselves, another registered Ayurvedic practitioner as Vice-President in such manner as may be prescribed and such Vice-President shall hold office for the unexpired period of the term of office of the previous Vice-President whose office he fills.

15. (1) The Members of the *Parishad* shall constitute from amongst themselves, an Executive Committee called "*Karyya Nirvahaka Samiti*" to perform such functions as may be delegated to it by the *Parishad*.

*Karyya
Nirvahaka
Samiti.*

(2) The *Karyya Nirvahaka Samiti* shall consist of the President and the Vice-President, *ex-officio*, and five other members elected by the Members of the *Parishad* from amongst themselves.

(3) The President and the Vice-President of the *Parishad* shall be the President and Vice-President respectively of the *Karyya Nirvahaka Samiti*.

(4) The term of office of an elected member of the *Karyya Nirvahaka Samiti* shall be two years from the date of his election, but, subject to his being a Member of the *Parishad*, he shall be eligible for re-election to the *Karyya Nirvahaka Samiti*.

(5) No business shall be transacted at any meeting of the *Karyya Nirvahaka Samiti* unless a quorum of three members be present.

(6) The *Parishad* may also, subject to the approval of the State Government, from time to time appoint one or more Committees consisting of Members of the *Parishad* or outsiders or both on such terms as may be approved by the State Government for the purpose of advising it on such matters as it deems necessary and may appoint a convener for any such Committee who shall preside over the meetings of the Committee.

(7) The *Parishad* may make regulations for the conduct of business of the *Karyya Nirvahaka Samiti* and of Committees appointed by it.

16. (1) The *Parishad* shall hold its meetings at such intervals and at such places as may be provided by regulations.

Meetings.

(2) No business shall be transacted at any meeting of the *Parishad* unless a quorum of seven Members be present.

[West Ben. Act

(Sections 17—19.)

(3) Save as provided in section 25, all questions arising at any meeting shall be decided by votes of the majority of the Members present and voting or in case of an equality of votes by the casting vote of the President or, in his absence, of the Member presiding at the meeting.

Expenses to be paid to Members and other persons.

17. The *Parishad* shall pay to its President, Vice-President and Members and other persons appointed by it to any Committee referred to in sub-section (6) of section 15, such expenses for attending at meetings of the *Parishad*, of the *Karyya Nirvahaka Samiti* or of such Committee and such travelling expenses for journeys undertaken in the performance of duties as may be prescribed.

Power to take certain steps for developing Ayurvedic system of medicine.

18. Subject to the provisions of any law for the time being in force relating to drugs and poisons, the State Government shall have power,—

- (a) to establish and maintain a State Ayurvedic College with hospitals attached to it, a State Ayurvedic Research Institute and Ayurvedic *tols* ;
- (b) to establish and maintain Ayurvedic hospitals, dispensaries, asylums or infirmaries in West Bengal ;
- (c) to establish an Ayurvedic Pharmaceutical Department for the supply of Ayurvedic medicines to the Ayurvedic hospitals, dispensaries, asylums and infirmaries and also to registered Ayurvedic practitioners ;
- (d) to provide for the grant of licenses to manufacturers, stockists or sellers of Ayurvedic drugs and medicines and for the conditions for the grant of such licenses including conditions regarding strength, potency, composition or other particulars of such drugs or medicines being marked on the containers, covers or wrappings thereof ;
- (e) to establish and maintain a State herbarium ;
- (f) to foster the plantation of Ayurvedic medicinal plants.

powers of *Parishad*.

19. The *Parishad* shall have the following powers, namely :—

- (1) to grant affiliation to institutions teaching the Ayurvedic system of medicine or to withdraw, after giving the authorities of an institution an opportunity to show cause against the action proposed to be taken, such affiliation, and to call on the authority of any such institution or of an institution applying for affiliation to

XIII of 1961.]

(Section 19.)

furnish within such period as may be specified such reports, returns or other information as the *Parishad* may require to judge the efficiency of the institution ;

- (2) to hold examinations and to grant and confer certificates, diplomas or degrees to persons who shall have pursued a course of study in institutions affiliated to the *Parishad* and passed the necessary examinations ;
- (3) to draw up syllabuses of study for different examinations held by the *Parishad* ;
- (4) to provide for instruction or for refresher courses in such branches of medical science as would be useful to persons studying the Ayurvedic system of medicine ;
- (5) to appoint examiners and to fix their remuneration and to publish the results of the examinations held by it ;
- (6) to grant scholarships, prizes and medals to students of institutions affiliated to the *Parishad* who are meritorious or stipends to students who are poor and deserving ; and with the sanction of the State Government, to grant to students scholarship for research or special study in any institution that the *Parishad* may think fit, whether in India or abroad and to endow chairs of Ayurvedic system of medicine in institutions affiliated to the *Parishad* ;
- (7) to confer honorary degrees on Ayurvedic practitioners of extraordinary merit ;
- (8) to collect prescribed fees or charges for admission to the examinations held by the *Parishad* and for certificates, diplomas or degrees granted or conferred by it ;
- (9) to exercise general supervision over the residential and disciplinary arrangements made by the institutions affiliated to the *Parishad* and arrangements for promoting the health and general welfare of the students of such institutions ;
- (10) to recommend to the State Government the sanction of a grant to an affiliated institution teaching the Ayurvedic system of medicine or the withdrawal or suspension, after giving the institution concerned an opportunity of showing cause against the action proposed, of any such grant ;

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[West Ben. Act

(Sections 20, 21.)

- (11) to appoint, with the previous sanction of the State Government, inspectors for the inspection of institutions in West Bengal, teaching the Ayurvedic system of medicine ;
- (12) to frame and implement a co-ordinated scheme of public health of West Bengal based on the Ayurvedic system of medicine, with or without the addition of modern technique ;
- (13) to receive grants, donations, gifts and endowments ;
- (14) to incur such expenditure, to adopt such measures and to do such acts as may be necessary for the furtherance of the objects mentioned in this section ;
- (15) to perform such other functions as the State Government may direct for carrying out the provisions of this Act.

Registrar
and staff.

20. (1) The *Parishad* shall, with the previous approval of the State Government, appoint a Registrar. The Registrar shall receive such salary and allowances as may be prescribed. The *Parishad* may from time to time grant him leave and may appoint a person to act in his place. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for all purposes of this Act.

(2) The *Parishad* shall have power to suspend, punish, remove or dismiss the Registrar from office :

Provided that any such order of the *Parishad* shall be subject to appeal to the State Government.

(3) The *Parishad* may appoint such other officers and servants as it deems necessary :

Provided that the number and designation of such officers and servants, their salaries and allowances shall be subject to the previous approval of the State Government.

(4) The Registrar shall act as the Secretary to the *Parishad* and the *Karyya Nirvahaka Samiti*.

(5) The Registrar and all officers and servants appointed by the *Parishad* shall work under the direct control and supervision of the President or in his absence, of the Vice-President.

Register of
registered
Ayurvedic
practitioners.

21. (1) The *Parishad* shall maintain a Register in such form and in such manner as may be prescribed.

(2) The Registrar shall from time to time make necessary entries in the Register in respect of the persons whose names are directed to be registered, their qualifications and their addresses and may also from time to time make such alterations or modifications as may be required in consequence of any orders passed by the *Parishad* or otherwise.

The Paschim Banga Ayurvedic System of Medicine Act, 1961. 273

XIII of 1961.]

(Sections 22—25.)

- 22.** (1) Every person who possesses any qualification mentioned in Part A or who is qualified under Part B or who may obtain a qualification as provided under Part C of the Schedule shall, subject to the provisions of this Act and on payment of such fee as may be prescribed, be entitled to have his name entered in the Register.
- Persons entitled to be registered
- 23.** (1) Every person who desires to have his name entered in the Register shall submit to the Registrar an application in the prescribed form stating :—
- Power to amend the Schedule.
- (a) particulars of his qualifications,
- (b) the period for which he has been in practice, and
- (c) his address which is to be his registered address.
- (2) Every application shall be accompanied by the prescribed fee and such proof as may be available or necessary in support of the qualifications stated in the application.
- Information required of applicant for registration.
- 24.** (1) The *Parishad* may, on being satisfied that a person possesses the requisite qualifications and has paid the prescribed fee, direct the registration of his name and the Registrar shall thereupon make necessary entries in the Register and grant him a certificate of registration.
- Power of the Parishad to refuse registration or to remove name from Register in certain cases.
- (2) The *Parishad* may refuse to permit the registration or direct the removal from the Register, of the name of any person—
- (a) who has been convicted of any offence declared by rules to involve moral turpitude ; or
- (b) who has been found guilty of infamous conduct in his professional capacity by a majority of at least two-thirds of the members of the *Parishad* after a due enquiry into his conduct at which he has had an opportunity of being heard in person or of being duly represented,

[West Ben. Act

(Sections 26—31.)

(3) Any refusal or removal under sub-section (2), may be rescinded if the conduct on the basis of which refusal or removal was directed is condoned for good and sufficient reasons.

Renewal.

26. (1) Every person whose name is entered in the Register shall, for the retention of his name in the Register, pay to the *Parishad* annually such renewal fee and at such time as may be prescribed.

(2) Where the renewal fee is not paid by the due date, the Registrar shall remove the name of the defaulter from the Register :

Provided that a name so removed may be restored to the Register on such conditions as may be prescribed.

(3) On payment of the renewal fee, the Registrar shall, in the prescribed manner, endorse the certificate of registration.

Entry of additional qualification.

27. If any person whose name is entered in the Register obtains any qualification mentioned in the Schedule other than the qualification in respect of which he has been registered, he shall, on payment of such fee as may be prescribed, be entitled to have such qualification entered against his name in the Register either in substitution for or in addition to any entry previously made and the Registrar shall add to or amend the entry accordingly.

Appeal to the *Parishad* from decision of the Registrar.

28. If any person is dissatisfied with any decision of the Registrar refusing to enter his qualification under section 27 in the Register, he may, at any time within three months from the date of such decision, appeal to the *Parishad* in the prescribed manner and the decision of the *Parishad* shall be final.

Cancellation of fraudulent and incorrect entries.

29. Any entry in the Register, which is proved to the satisfaction of the *Parishad* to have been fraudulently or incorrectly made, may be cancelled under an order in writing of the *Parishad*.

Appeal to State Government from decision of the *Parishad*.

30. An appeal shall lie to the State Government against any decision or order of the *Parishad* refusing to enter a person's name in the Register or removing his name therefrom if filed within three months of the date of decision or order and the decision of the State Government shall be final.

Notice of death and removal of name from Register.

31. The *Parishad* may, on receipt of reliable information regarding the death of a person whose name is entered in the Register, and on making such enquiry as it may think fit, direct the removal of his name from the Register and thereupon the Registrar shall cancel the entry relating to such person.

XIII of 1961.]

Page 275—

*In section 32, after the words "a Magistrate of the First Class," insert the words "with imprisonment which may extend to six months or".

(Inserted by West Ben. Act XI of 1967, section 7.)

[No. 5, dated the 1st May, 1970.]

of a magistrate of the First Class, with fine which may extend to five hundred rupees.

Penalty o
unregister
person re-
presenting
that he is
registered.

33. (1) If any registered practitioner whose name has been removed from the Register under sub-section (2) of section 25 or sub-section (2) of section 26, fails, without sufficient cause, forthwith to surrender his certificate of registration, he shall be punishable with fine which may extend to fifty rupees.

Penalty fo
failure to
surrender
certificate
of registra
tion.

(2) Cognizance of an offence punishable under this section shall not be taken except upon complaint made by an order of the *Parishad*.

34. (1) The Registrar shall, from time to time as occasion may require, on or before a date to be fixed in this behalf by the *Parishad*, cause to be printed and published (provided that at least twelve months shall have elapsed from the date of the last publication) a correct list of the names for the time being entered in the Register and setting forth therein—

Publicatio
and use of
registration
list.

- (a) names of all registered Ayurvedic practitioners arranged in alphabetical order according to the surname ;
- (b) the registered address of each such person ; and
- (c) the registered qualifications of each such person and the date on which each qualification was obtained.

(2) The Registrar shall, from time to time as occasion arises, cause to be printed and published a list supplementary thereto, containing additions and alterations in the Register since the publication of the list under sub-section (1).

(3) Every Court shall presume that any person whose name is entered in the latest list printed and published under sub-section (1) read with the latest list supplementary thereto, if any, printed and published under sub-section (2) is duly registered under this Act, and that any person whose name is not so entered is not registered under this Act :

Provided that, in the case of any person whose name does not appear in the latest list printed and published under sub-section (1) read with the latest list supplementary thereto, if any, printed and published under sub-section (2), a certified copy, signed by the Registrar, of the entry of the name of such person in the Register shall be evidence that such person is registered under this Act.

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[West Ben. Act

(Sections 35—39.)

Certain
privileges
of Ayur-
vedic
practi-
tioners.

35. A registered Ayurvedic practitioner shall be entitled—

- (a) to grant a death certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner or medical officer ;
- (b) to grant a medical or physical fitness certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner or medical officer ;
- (c) to give evidence at any inquest or in any court of law as an expert under section 45 of the Indian Evidence Act, 1872.

Persons
not regis-
tered as
Ayurvedic
practitioners
not eligible
for certain
appoint-
ments.

36. Except with the special sanction of the State Government, no Ayurvedic practitioner, who is not registered under this Act, shall be competent to hold any appointment as a physician, or other medical officer in an Ayurvedic hospital, asylum, infirmary, dispensary or lying-in-hospital, which is supported wholly or partially by grants made by the State Government, the *Parishad* or a local authority, or any Ayurvedic educational institution which is so supported or which is affiliated under clause (1) of section 19 of this Act.

Bar of suit
or other
legal pro-
ceedings.

37. No suit, prosecution or other legal proceedings shall lie in respect of any act or thing done or omitted to be done in the exercise or purported exercise of any power conferred by or under this Act on the State Government or the *Parishad* or the *Karyya Nirvahaka Samiti* or any Committee appointed by the *Parishad* or on the Registrar.

Page 276—

Validation.

*In section 39,—

Λ
s
ii

(a) for sub-section (3), substitute the following sub-section, namely:—

“(3) The account shall be audited annually in such manner and by such officer or authority as may be prescribed. A copy of the audit report shall be submitted to the State Government by the *Parishad*.”;

Finance
and audit.

t

(b) after sub-section (3), add the following sub-section, namely:—

o
r
n

“(4) The *Parishad* shall prepare in the prescribed manner a budget for every financial year showing the probable receipt and expenditure, which shall be submitted to the State Government for approval.”.

(Substituted and added by West Ben. Act XI of 1967, section 8.)

[No. 5, dated the 1st May, 1970.]

The Paschim Banga Ayurvedic System of Medicine Act, 1961. 277

XIII of 1961.]

(Sections 40, 41.)

40. (1) The State Government may from time to time make Rules.
rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (i) the election of Members of the *Parishad*, members of the *Karyya Nirvahaka Samiti* and the Vice-President ;
- (ii) the functions to be performed by the President and the Vice-President ;
- (iii) the declaration of offences as offences involving moral turpitude ;
- (iv) the fees payable under this Act ;
- (v) the expenses to be paid under section 17 ;
- (vi) the salaries and allowances to be paid to the Registrar ;
- (vii) the grant of licenses and the conditions for the grant of such licenses ;
- (viii) the manner in which the account referred to in sub-section (2) of section 39 shall be maintained ;
- (ix) the procedure to be followed by the *Parishad* in—
 - (a) conducting any enquiry referred to in clause (b) of sub-section (2) of section 25,
 - (b) disposing of appeals from the decision of the Registrar preferred under section 28 ;
- (x) any other matters which may be or is required to be prescribed under this Act.

41. (1) The *Parishad* may, with the previous approval of the State Government, make regulations, not inconsistent with this Act or the rules made thereunder for discharging its functions under the Act. Regulations.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :—

- (i) the time and place at which each meeting shall be held ;
- (ii) the issue of notices convening such meeting ;
- (iii) the conduct of business thereat ;
- (iv) the conditions of appointment and service and the scales of pay and allowances of all the officers and servants appointed by the *Parishad* ;
- (v) any matter for which power to make regulations is conferred expressly or by implication on the *Parishad* by this Act.

¹For the Paschim Banga Ayurvedic System of Medicine Rules, 1962, made under sec. 40 of the Act (subsequently amended from time to time), see notification No. Medl/6037/6A—11/62, dated the 14th May, 1962, published in the *Calcutta Gazette, Extraordinary* of 1962, Part I, pages 1866-1868.

[West Ben. Act

(Sections 42, 43 and the Schedule.)

Publication of rules and regulations. 42. All rules and regulations shall be published in the *Official Gazette*.

Control of the Parishad by State Government. 43. If at any time it appears to the State Government that the *Parishad* has failed to exercise or has exceeded or abused a power, conferred upon it by or under this Act or has failed to perform a duty imposed upon it by this Act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, after giving the *Parishad* an opportunity of being heard, notify the particulars thereof to the *Parishad* and if the *Parishad* fails to remedy such failure, excess or abuse within such time as may be fixed by the State Government in this behalf, the State Government may dissolve the *Parishad* and cause all or any of the powers and duties of the *Parishad* to be exercised and performed by such agency and for such period as it may think fit.

THE SCHEDULE.

(See section 22.)

Part A. Qualifications enabling a person to have his name entered in the Register.

Description of the qualifications.	Name of the managing body or authority granting or conferring the qualification and its location.
1. (i) Ayurvedthirtha, M.A.S.F. (Member of the Ayurvedic State Faculty)—5 years.	General Council and State Faculty of Ayurvedic Medicine, West Bengal, Calcutta.
(ii) Vaidyashromoni, M. A. S. F. (Member of the Ayurvedic State Faculty)—5 years.	
(i) Vaidyashastri—4 years ...	
(iv) Ayurvedthirtha—3 years ...	
(v) Vaidyabhusan, L. A. S. F. (Licentiate Ayurvedic State Faculty)—4 years.	
2. (i) Bhishagratna, L. A. M. S. (Licentiate Ayurvedic Medicine and Surgery).	J. B. Ashtanga Ayurvedic College, Calcutta.
(ii) Bhishagacharya, M. A. M. S. (Master in Ayurvedic Medicine and Surgery).	
3. Vaidyashastri ...	Shyamadas Vaidya-Shastra, pith, Calcutta.

The Paschim Banga Ayurvedic System of Medicine Act, 1961. 279

XIII of 1961.]

(The Schedule.)

Description of the qualifications.	Name of the managing body or authority granting or conferring the qualification and its location.
4. (i) Ayurvedshastri, A M.B. (Bachelor in Ayurvedic Medicine).	Maharaja Cossimbazar Gobinda Sundari Ayurvedic College, Calcutta.
(ii) Ayurvedacharya, A.M.D. (Doctor of Ayurvedic Medicine).	
5. (i) Bhishagratna, D.A.M.S. (Diploma in Ayurvedic Medicine and Surgery).	Bishwanath Ayurved Mahavidyalaya, Calcutta.
(i) Vaidyashromoni, B.A.M.S. (Bachelor of Ayurvedic Medicine and Surgery).	
(iii) M.A.M.S. (Master of Ayurvedic Medicine and Surgery).	
6. (i) G.F.A.M. Graduate of Faculty of Ayurvedic Medicine obtained after 1st January, 1956.	Board of Indian System of Medicine, Madras.
(ii) Ayurved Visharad, D.A.S.F. ...	
7. Ayurvedacharya, A.M.S. (with modern medicine and Surgery now M.A.M.S.) (6 years).	Benares Hindu University, Benares.
8. Ayurved Alankar (5 years) ...	Gurukul University, Kangri.
9. (i) G.C.I.M. (Graduate of the College of Indigenous Medicine).	Government College of Indigenous Medicine, Madras.
(i) A.I.M. (Associate of Indigenous Medicine).	
(iii) L.I.M. (Licentiate of Indigenous Medicine).	
(iv) A.L.I.M. (Associate Licentiate of Indigenous Medicine).	
(v) F.I.M. (Fellow of Indigenous Medicine).	
10. B.I.M.S. (Bachelor of Indian Medicine and Surgery).	Board of Indian Medicine, U.P. Lucknow.
11. G.A.M.S. (Graduate in Ayurvedic Medicine and Surgery).	Government Ayurvedic College, Patna.
12. (i) Bhishakacharya—6 years ...	Government Ayurvedic College, Jaipur.
(ii) Bhishakwar—8 years ...	
13. L.A.M.S. (Licentiate in Ayurvedic Medicine and Surgery).	Government Ayurvedic and Unani College, Mysore.
14. (i) Vaidyakalanidhi (Diploma) ...	Government Ayurvedic College, Trivandrum.
(ii) Viswavidya Visharad (Diploma)	
(iii) Netra Vaidya Visharad (Diploma)	
(iv) Marma Vaidya Visharad (Diploma)	

[West Ben. Act XIII of 1961.]

(*The Schedule.*)

Part B.

Every person possessing any qualification not mentioned in Part A on the basis of which his name has been registered with any other Ayurvedic Board or Council established by any State Government within the Indian Union :

Provided that a principle of reciprocity in the matter of recognising qualifications for purposes of registration and been adopted by the *Parishad* and the Ayurvedic Board or Council concerned, with the approval of the State Government.

Part C.

Every person holding any degree or diploma or certificate granted or conferred by the *Parishad*, which is declared by the *Parishad* to be a sufficient qualification for registration as a registered Ayurvedic medical practitioner.

West Bengal Act XXI of 1961¹

THE CHOTA NAGPUR TENANCY (WEST BENGAL AMENDMENT) ACT, 1961.

[27th October, 1961.]

An Act to amend the Chota Nagpur Tenancy Act, 1908, in its application to West Bengal.

WHEREAS it is expedient to amend the Chota Nagpur Tenancy Act, 1908, in its application to West Bengal, for the purposes and in the manner hereinafter appearing ;

It is hereby enacted in the Twelfth year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the Chota Nagpur Tenancy (West Bengal Amendment) Act, 1961. Short title,

2. The Chota Nagpur Tenancy Act, 1908 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be amended for the purposes and in the manner hereinafter provided. Applica-
tion of
the Act,

3. In the proviso to clause (i) of section 3 of the said Act, for the words "the year commencing from the first day of April shall be the agricultural year for the purposes of this Act.", the words "such year shall be the year commencing on the first day of *Baisakh* according to the Bengali calendar." shall be substituted. Amend-
ment of
section 3
of Bengal
Act VI
of 1908.

4. For section 46 of the said Act, the following sections shall be substituted, namely :— Substitution
of new
section for
section 46.

"Transfer of
their rights by
raiyats."

46. (1) Subject to the provisions of section 46A the holding of a *raiyat* shall be transferable :

Provided that no *bhugut bandha* mortgage of his holding by a *raiyat* for any period exceeding seven years, or the period of his own right, whichever is less, shall be valid.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 26th August, 1961, Part IVA, page 2178 ; for proceedings of the West Bengal Legislative Assembly, see the proceeding of the meeting of that Assembly held on the 18th September, 1961 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 26th September, 1961.

282 *The Chota Nagpur Tenancy (West Bengal Amendment) Act, 1961.*

[West Ben. Act

(Section 4.)

- (2) Except in the case of a bequest, a transfer of his holding by a *raiya*t shall be made by a registered instrument.

Restriction on alienation of land by the Kurmi (Mahato) community, scheduled tribes and scheduled castes.

46A. (1) Except in the following cases, the transfer of his holding by a *raiya*t belonging to the Kurmi (Mahato) community, a scheduled tribe or a scheduled caste shall be void :—

- (a) a transfer to a person belonging to the community, tribe or caste, to which the transferor belongs,
- (b) a transfer to a person not belonging to the community, tribe or caste, to which the transferor belongs, when such transfer is made with the previous permission in writing of the Deputy Commissioner :

Provided that the Deputy Commissioner shall not give such permission unless a purchaser belonging to the community, tribe or caste, to which the transferor belongs, who is willing to pay the market price for the land is not available and unless there are circumstances justifying such transfer.

- (2) The holding of a *raiya*t belonging to the Kurmi (Mahato) community, a scheduled tribe or a scheduled caste which is transferred in contravention of the provisions of clauses (a) and (b) of sub-section (1) shall stand forfeited,—

- (a) in the case where the State Government is the landlord, to the State Government ;
- (b) in the case where the State Government is not the landlord, to the landlord concerned :

Provided that the land so forfeited, shall not be settled by the landlord with any person other than a person belonging to the Kurmi (Mahato) community, the scheduled tribes or the scheduled castes, as the case may be, unless a person belonging to such community, tribes or castes willing to take settlement is not available.

Validation of transfers made by *raiya*ts.

46B. Notwithstanding any restriction on the right of a *raiya*t to transfer his holding prior to the

commencement of the Chota Nagpur Tenancy (West Bengal Amendment) Act, 1961, no transfer by a *raiya*t made before such commencement shall be deemed to be, or ever to have been, invalid.”

*The Chota Nagpur Tenancy (West Bengal Amendment) 283
Act, 1961.*

XXI of 1961.]

(Sections 5—10.)

- | | |
|--|---|
| <p>5. Sections 48, 48A and 49 of the said Act shall be omitted.</p> | <p>Omission of sections 48, 48A and 49.</p> |
| <p>6. In sub-section (1) of section 50 of the said Act, for the words and figures "sections 46 and 47", the word and figures "section 47" shall be substituted.</p> | <p>Amendment of section 50.</p> |
| <p>7. To section 52 of the said Act, the following proviso shall be added, namely :—</p> <p style="padding-left: 40px;">"Provided that in the case of rent determined under the Bihar Land Reforms Act, 1950,—</p> <p style="padding-left: 80px;">(i) the amount of rent payable for the period up to and including the agricultural year in which such determination takes place shall be paid in such instalments and by such dates as the State Government may direct, and</p> <p style="padding-left: 80px;">(ii) the rent payable for any subsequent agricultural year shall be paid in four equal instalments falling due on the last date of each quarter of that year."</p> | <p>Amendment of section 52.</p> |
| <p>8. In section 63B of the said Act, the words and figures "or the land being alienated in contravention of the provisions contained in section 46," shall be omitted.</p> | <p>Amendment of section 63B.</p> |
| <p>9. In section 258 of the said Act,—</p> <p style="padding-left: 40px;">(a) for the words and figures "section 46, sub-section (4)", the word, figures and letter "section 46A" shall be substituted ; and</p> <p style="padding-left: 40px;">(b) the word and figures "section 49," shall be omitted.</p> | <p>Amendment of section 258.</p> |
| <p>10. In clause (v) of sub-section (2) of section 264 of the said Act, the words and figures "section 46, sub-section (4)," shall be omitted.</p> | <p>Amendment of section 264.</p> |

West Bengal Act XXIV of 1961¹

THE WEST BENGAL OFFICIAL LANGUAGE ACT, 1961.

AMENDED West Ben. Act XXIII of 1963.

[11th November, 1961.]

An Act to provide for the adoption of the Bengali language as the language to be used for the official purposes of the State of West Bengal including purposes of legislation.

It is hereby enacted in the Twelfth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the West Bengal Official Language Act, 1961. Short title
and extent.

(2) It extends to the whole of West Bengal.

2. With effect from such date, not later than ²[four years] from the date of commencement of this Act, as the State Government may, by notification in the *Official Gazette*, appoint in this behalf,— Language
or
languages
to be used
for official
purposes
of the
State.

(a) in the three hill subdivisions of the district of Darjeeling, namely, Darjeeling, Kalimpong and Kurseong, the Bengali language and the Nepali language, and

(b) elsewhere, the Bengali language,

shall be the language or languages to be used for the official purposes of the State of West Bengal referred to in article

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 12th September, 1961, Part IVA, page 2324; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 25th September, 1961; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 4th October, 1961.

²Substituted for the words "two years" by sec. 2 of the West Bengal Official Language (Amendment) Act, 1963 (West Ben. Act XXIII of 1963).

[West Ben. Act XXIV of 1961.]

(Section 3.)

345 of the Constitution of India, and different dates may be appointed for different official purposes or for different areas in West Bengal :

Provided that the issue of any such notification shall be without prejudice to—

- (i) the use of any language other than the Bengali language which is authorised by or under any law for the time being in force to be used for any purpose in any of the civil or criminal courts within the State of West Bengal, and
- (ii) the use of the English language in the examinations conducted by the Public Service Commission, West Bengal.

Bengali
language
to be used
in Bills,

3. With effect from such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf, the Bengali language shall be the language to be used—

Page 286—

After section 3, add the following section, namely:—

“Continu-
ance of
English
language
for official
purposes of
the State
and for use
in the
State
Legisla-
ture.

4. Notwithstanding—

(a) the appointment of any day under section 2 or section 3 for the coming into operation of the provisions thereof, or

(b) the expiration of the period of fifteen years from the commencement of the Constitution,

the English language may, as from the day so appointed or from the day on which such period expires, as the case may be, continue to be used—

(i) for all official purposes of the State of West Bengal for which it was being used immediately before that day, and

(ii) for the transaction of business in the State Legislature,

in addition to any language or languages specified in section 2 or section 3.”

(Added by West Ben. Act XIX of 1964, section 2.)

[No. 1, dated the 1st January, 1969.]

West Bengal Act XXV of 1961¹

THE INDUSTRIAL DISPUTES (WEST BENGAL AMENDMENT) ACT, 1961.

[17th November, 1961.]

An Act to amend the Industrial Disputes Act, 1947, in its application to West Bengal.

1947. WHEREAS it is expedient to amend the Industrial Disputes Act, 1947, in its application to West Bengal, for the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Twelfth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the Industrial Disputes (West Bengal Amendment) Act, 1961.

Short
title and
commen-
cement.

(2) It shall come into *force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. The Industrial Disputes Act, 1947 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be amended for the purpose and in the manner hereinafter provided.

Applica-
tion of
the Act.

3. In the First Schedule to the said Act, after item No. 10, the following item shall be added, namely :—

“11. Oxygen and acetylene.”.

Amend-
ment of
the First
Schedule
to Act 14
of 1947.

¹For Statemet of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 1st February, 1961, Part IVA, page 528 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 16th September, 1961 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 21st September, 1961.

²The Act came into force with effect from the 28th December, 1962, vide notification No. 7219-1.R/1R/1A-4/61, dated the 28th December, 1962, published in the *Calcutta Gazette* of 1963, Part I, page 264.

**THE WEST BENGAL SOCIETIES REGISTRATION
(AMENDMENT) BILL, 1984.**

'As passed by the Assembly on the 18th September, 1984.)

A

BILL

to amend the West Bengal Societies Registration Act, 1961.

WHEREAS it is expedient to amend the West Bengal Societies Registration Act, 1961, for the purposes and in the manner hereinafter appearing;

West Ben.
Act XXVI
of 1961.

It is hereby enacted in the Thirty-fifth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title
and comm-
encement.

1. (1) This Act may be called the West Bengal Societies Registration (Amendment) Act, 1984.

(2) It shall be deemed to have come into force on the 18th day of July, 1984.

Amend-
ment of
section 23
of West
Ben. Act
XXVI of
1961.

2. In section 23 of the West Bengal Societies Registration Act, 1961 (hereinafter referred to as the principal Act),—

- (a) in sub-section (1), for the word "Inspector", the words "Commissioner for Enquiry" shall be substituted;
- (b) in sub-section (2), for the word "Inspector" in the two places where it occurs, the words "Commissioner for Enquiry" shall be substituted;

The West Bengal Societies Registration (Amendment)
Bill, 1984. Act.

(Clauses 3, 4.)

- (c) in sub-section (3),—
 - (i) for the words "An Inspector", the words "A Commissioner for Enquiry" shall be substituted, and
 - (ii) for the word "Inspector", the words "Commissioner for Enquiry" shall be substituted;
- (d) in sub-section (4),—
 - (i) for the word "Inspector", the words "Commissioner for Enquiry" shall be substituted, and
 - (ii) for the word "Registrar", the words "State Government" shall be substituted;
- (e) in sub-section (6), for the words "The Registrar shall send the report with his comments thereon to the State Government. On perusal of such report and comments of the Registrar", the words "On perusal of the report made by the Commissioner for Enquiry" shall be substituted;
- (f) in sub-section (7), for the words "and the comments of the Registrar," the words "made by the Commissioner for Enquiry," shall be substituted;
- (g) in sub-section (8), for the words "an Inspector", the words "a Commissioner for Enquiry" shall be substituted.

Amend-
ment of
section 33. 3. In section 33 of the principal Act, for the word
"Inspector", the words "Commissioner for Enquiry" shall be
substituted.

West Bengal Act XXVI of 1961¹

THE WEST BENGAL SOCIETIES REGISTRATION ACT, 1961.

AMENDED West Ben. Act X of 1964.

[5th December, 1961.]

An Act to provide for the registration of literary, cultural, scientific, political, charitable, religious and certain other kinds of societies and for matters connected therewith.

It is hereby enacted in the Twelfth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the West Bengal Societies Registration Act, 1961.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

(3) It shall come into ²force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless the context otherwise requires,—

Inter-
pretation.

(a) “Court”, when used in relation to a society, means the principal civil court of original jurisdiction of the district within which the registered office of the society is situate and in relation to a society situate within the Presidency-town of Calcutta, the City Civil Court established under the City Civil Court Act, 1953 ;

(b) “Governing Body” means the body, by whatever name called, entrusted for the time being with the management of a society under its regulations ;

(c) “member”, when used in relation to a society, means a person who has been admitted with his consent as a member of the society according to its regulations ;

West Ben.
Act XXI
of 1953.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, of the 23rd June, 1961, Part IVA, page 1620 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 13th and 14th September, 1961 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 21st September, 1961.

²This Act came into force on the 1st April, 1963. Vide notification No. 1076 Com., dated 23rd March, 1963, published in the *Calcutta Gazette, Extraordinary* of 1963, Part I, page 643.

(Section 3.)

- (d) "memorandum" means the memorandum of association referred to in section 4 ;
- (e) "officer" means a member of the Governing Body, the President, the Secretary or any other office-bearer of a society and includes also an employee of the society whose work is not of a purely ministerial nature ;
- (f) "officer in default", for the purpose of any provision in this Act, means any officer who is knowingly guilty of any contravention, failure or refusal or who ¹[knowingly and willingly authorizes] or permits such contravention, failure or refusal ;
- (g) "President" means the President, the Chairman or the formal head by whatever name called, of a society and includes a person who for the time being acts as the formal head ;
- (h) "registered office" means the registered office mentioned in the memorandum ;
- (i) "Registrar" means a person appointed as Registrar under section 3 and includes, in relation to the exercise of any powers or functions under this Act, any person referred to in that section on whom such powers or functions have been conferred under that section ;
- (j) "regulations" mean the regulations made by a society and, in relation to a society deemed to have been registered under sub-section (2) of section 36 of this Act, include its rules and regulations ;
- (k) "rules" mean rules made by the State Government under section 35 ;
- (l) "Secretary" means the Secretary or the principal executive officer by whatever name called, of a society, and includes a person who for the time being acts as Secretary ;
- (m) "society" means a society registered or deemed to have been registered under this Act ;
- ^a(n) "votes of three-fourths of the members" mean the votes given by at least three-fourths of the members of a society present at a general meeting of the society convened according to its regulations and the members voting at such meeting by proxy, where voting by proxy is allowed under the regulations.

Appoint-
ment of
Registrar.

3. The State Government may appoint a person to be the Registrar of Societies for the State of West Bengal and such Additional, Joint, Deputy or Assistant Registrars as it thinks necessary to assist the Registrar and may by general or special order confer on such person or persons assisting the Registrar any of the powers and functions of the Registrar under this Act.

¹Substituted for the words "knowingly authorizes" by sec. 2(1) of the West Bengal Societies Registration (Amendment) Act, 1964 (West Ben. Act X of 1964).

^aSubstituted for the existing clause (n) by sec. 2(2), *ibid.*

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(Sections 4—6.)

4. (1) Any seven or more individuals associated for any of the objects mentioned in sub-section (2), may subscribe their names to a memorandum of association and file it along with a copy of the regulations with the Registrar for registration of the association as a society under this Act.

Societies to be formed by memorandum of association and registration.

(2) The objects referred to in sub-section (1) may relate to the promotion of literature, arts, science or religion ; any charitable purpose including the care or relief of orphans, or of aged, sick, helpless or indigent persons ; the alleviation of the sufferings of animals ; the diffusion of knowledge ; the dissemination of social, political or economic education ; the establishment and maintenance of libraries or reading rooms for the members or for the public ; the collection and preservation of manuscripts, paintings, sculptures, works of art, antiquities, natural history specimens, mechanical and scientific instruments and designs ; any other object as may be notified by the State Government as being beneficial to the public or to a section of the public.

5. (1) The memorandum shall contain, amongst other things, the following particulars, namely :—

Memorandum of association.

- (a) the name of the association,
- (b) the address of the registered office of the association,
- (c) the object of the association,
- (d) the names of the first members of the Governing Body, and
- (e) the names, addresses and occupations of the signatories to the memorandum.

(2) After registration a society shall not change the memorandum except in accordance with the provisions of this Act.

6. The Registrar shall not accept any memorandum for registration of a society unless it is accompanied by a copy of its regulations providing, amongst other things, for the following matters, namely :—

Regulations.

- (a) the composition of the Governing Body and the manner of election or appointment and resignation or removal and the term of office of the members of the Governing Body, the President, the Secretary and other officers ;
- (b) the admission to membership and resignation and removal of members ;
- (c) the maintenance of a register of members and facilities for inspection thereof by the members ;

(Sections 7—9.)

- (d) the safe custody of the property of the society, including in particular, the manner of keeping or investing any moneys of the society ;
- (e) the procedure for holding meetings of the society, quorum, the method of voting, the period of notice for meetings and the manner of voting by proxy, where such voting is allowed ;
- (f) the maintenance and audit of accounts ;
- (g) the inspection of accounts, and of the proceedings of meetings, by the members of the society ;
- (h) any other matter relating to the objects or affairs of the society.

Registra-
tion.

7. (1) The Registrar upon being satisfied that the memorandum and the regulations accompanying it comply with the requirements of this Act and the rules and upon payment of the fee referred to in sub-section (2), shall certify under his hand and seal that the society is registered under this Act.

(2) There shall be paid to the Registrar, for the registration of a society under this Act, a fee of fifty rupees, or such smaller fee as the State Government may from time to time direct.

(3) An appeal shall lie to the State Government against an order of the Registrar refusing to certify the registration of an association as a society under this Act and the decision on such appeal shall be final.

Alteration
of memo-
randum
and regula-
tions.

8. (1) A society shall not alter its memorandum except with the previous permission of the Registrar in writing, and the votes of ¹[three-fourths] of its members.

(2) Before granting permission under sub-section (1), the Registrar shall satisfy himself that the alteration does not make the society ineligible for registration under this Act.

(3) Subject to the provisions of this Act, the rules and the provisions of the memorandum a society may, by the votes of ¹[three-fourths] of the members, alter its regulations.

Alterations
to be filed.

9. (1) A copy of every alteration of the memorandum and of the regulations shall be filed with the Registrar within thirty days of such alteration.

(2) The Registrar shall, except for special reasons to be recorded by him in writing within thirty days from the date of such receipt, record the alteration and send an intimation of the fact to the society or communicate to the society his objections to such alteration.

¹Substituted for the word "three-fifths" by sec. 3 of the West Bengal Societies Registration (Amendment) Act, 1964 (West Ben. Act X of 1964).

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(Sections 10—12.)

(3) An appeal shall lie to the State Government against any objection made by the Registrar and the decision of the State Government on such appeal shall be final.

(4) An alteration shall have effect from the date on which the intimation referred to in sub-section (2) is received by the society or in the event of any objection being raised by the Registrar, from the date on which the State Government allows the alteration on appeal.

10. No society shall be registered under a name which is identical with, or too nearly resembles, the name of any other society or any body corporate which has been previously registered or incorporated under this Act or any other law for the time being in force, as the case may be, or is deemed to have been registered under this Act.

Name of
society.

11. (1) If a society is registered under a name or alters its name to another name which, in the opinion of the State Government, is identical with, or too nearly resembles, the name of any other society or body corporate which having been previously registered or incorporated under this Act or any other law for the time being in force, or being deemed to have been registered under this Act, continues to exist the State Government may by order made in this behalf direct such society to change its name and alter its memorandum within three months from the date of the order or such longer period as the State Government may think fit to allow.

State
Govern-
ment may
direct
change of
name.

(2) No change of name shall affect the rights and liabilities of a society or any legal proceedings by or against the society.

(3) In case of non-compliance with an order under sub-section (1), every officer in default shall be punishable with fine which may extend to twenty rupees for every day until the order is complied with.

12. (1) Whenever two or more societies desire to amalgamate, the Governing Body of each such society shall submit the proposal in writing to the members thereof and such proposal shall be considered in a general meeting of the society convened for the purpose.

Societies
to have
power to
amal-
gamate
with
another
society.

(2) No such proposal shall have any effect unless—

(a) it shall have been delivered or sent by registered post to the members of each of the societies at least ten days before the date of the meeting at which it will be considered ;

(b) it has been sent to the Registrar before the meeting and he communicates his approval thereto, with or without any modifications ;

[West Ben. Act

(Sections 13—15.)

(c) the proposal, with the modifications, if any, suggested by the Registrar, is agreed to by the votes of ¹[three-fourths] of the members of each of the societies concerned and confirmed by like votes of members at a subsequent general meeting of the society.

(3) An appeal shall lie to the State Government against any order of the Registrar refusing to accord his approval to the proposal or suggesting any modification and the decision of the State Government on such appeal shall be final.

(4) On the proposal being confirmed :—

- (a) the amalgamated society shall be registered under its new name,
- (b) the registration of the amalgamating societies shall be cancelled,
- (c) the assets and the liabilities of the amalgamating societies shall be the assets and the liabilities of the amalgamated society.

Name of society to be prominently shown.

13. (1) Every society shall—

- (a) prominently display its name outside its office or the place where its business is carried on ;
- (b) have a seal with its name engraved thereon ;
- (c) have its name mentioned in all documents executed in its favour or on its behalf.

(2) For any contravention of the provisions of sub-section (1), every officer in default shall be punishable with fine which may extend to twenty rupees.

Register of members.

14. (1) Every society shall maintain at its registered office, a register of its members and shall enter therein the following particulars, namely :—

- (a) the name and address of each member ;
- (b) the date on which the member was admitted ;
- (c) the date on which a member ceased to be such.

(2) If entries are not made within fifteen days of the admission of a member or cessation of membership, every officer in default shall be punishable with fine which may extend to twenty rupees for every day during which the contravention continues.

Books of account and audit.

15. (1) Every society shall keep at its registered office proper books of account in which shall be entered accurately :—

- (a) all sums of money received and the source thereof and all sums of money expended by the society and the object or purpose for which such sums are expended ;

¹Substituted for the word "three-fifths" by sec 4 of the West Bengal Societies Registration (Amendment) Act, 1964 (West Ben Act X of 1964).

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(Sections 16, 17.)

(b) the assets and liabilities of the society.

(2) Every society shall have its accounts audited once a year by a duly qualified auditor and have a balance sheet prepared by him. The auditor shall also submit a report showing the exact state of the financial affairs of the society. Three copies of the balance sheet and the auditor's report shall be certified by the auditor.

8 of 1949. *Explanation.*—A duly qualified auditor means a chartered accountant within the meaning of the Chartered Accountants Act, 1949 or a person approved by the Registrar in this behalf.

(3) For any contravention of the provisions of sub-section (1) or sub-section (2), every officer in default shall be punishable with fine which may extend to twenty rupees for every day after the detection of the default during which the default continues.

16. (1) Every society shall hold an annual general meeting at least once in every year and not more than fifteen months shall elapse between two successive annual general meetings. Annual general meeting.

(2) The balance sheet and the auditor's report referred to in sub-section (2) of section 15 shall be placed at the annual general meeting of the society.

(3) For any contravention of the provisions of sub-section (1) or sub-section (2), every officer in default shall be punishable with fine which may extend to two hundred and fifty rupees.

17. (1) Within thirty days after the holding of every annual general meeting, there shall be filed with the Registrar— Annual and other returns to be forwarded to Registrar.

(a) a list of the names, addresses and occupations of the members of the Governing Body, the President, the Secretary and of other officer-bearers of the society ;

(b) an annual report by the Governing Body on the working of the society for the previous year ;

(c) a copy each of the balance sheet and the auditor's report certified by the auditor under sub-section (2) of section 15.

(2) The list and the annual report referred to in clauses (a) and (b) of sub-section (1) shall be certified by the President and the Secretary.

(3) If any change occurs in the composition of the Governing Body or in the holder of the office of the President or the Secretary at any time for any reason whatsoever, such change shall, within thirty days, be notified to the Registrar.

(Sections 18—22.)

(4) For any contravention of the provisions of sub-section (1), sub-section (2) or sub-section (3), every officer in default shall be punishable with fine which may extend to two hundred and fifty rupees.

Property of
society
how to be
vested.

18. All property belonging to a society, if not vested in trustees, shall be deemed to be vested in the Governing Body of the society but shall be referred to as the property of the society.

Suits and
proceedings
by and
against a
society.

19. (1) Every society may sue or may be sued in the name of the President, the Secretary, or any office-bearer authorised by the Governing Body in this behalf.

(2) No suit or proceeding shall abate by reason of any vacancy or change in the holder of the office of the President, the Secretary or any office-bearer authorised under sub-section (1).

(3) Every decree or order against a society in any suit or proceeding shall be executable against the property of the society and not against the person or the property of the President, the Secretary or any office-bearer.

(4) Nothing in sub-section (3) shall exempt the President, the Secretary or office-bearer of a society from any criminal liability under this Act or entitle him to claim any contribution from the property of the society in respect of any fine paid by him on conviction by a criminal court.

20. [Power to alter regulations.—Omitted by sec. 5 of the *West Bengal Societies Registration (Amendment) Act, 1964* (*West Bengal Act X of 1964*).]

Members
liable to
be sued or
prosecuted
as
strangers.

21. Every member of a society may be sued or prosecuted by the society for any loss or damage caused to the society or its property or for anything done by him detrimental to the interests of the society.

Power of
Registrar
to call for
informa-
tion or
explana-
tion

22. (1) The Registrar may, by written order, call on a society to furnish in writing such information or explanation within such time, not being less than two weeks from the date of receipt of the order by the society, as he may specify in the order in connection with the affairs of the society or any documents filed by the society under this Act.

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(Section 23.)

(2) On receipt by the society of an order under sub-section (1), it shall be the duty of the officer concerned to furnish such information or explanation.

(3) For failure to comply with an order under sub-section (1), the officer in default shall be punishable with fine which may extend to twenty rupees for every day during which the failure continues.

23. (1) Where on information received, the State Government is of opinion that there are circumstances suggesting that the business of a society is being conducted with intent to defraud its creditors, members or any other person, or that the society is guilty of mismanaging its affairs or of any fraudulent or unlawful act, the State Government may appointment a competent person as Inspector to investigate into the affairs of the society or inspect any institution managed by the society and report on such matters as the State Government may direct.

Investigation of affairs of a society.

(2) It shall be the duty of every officer of the society when so required by the Inspector to produce any books and papers of or relating to the society which are in his custody, and otherwise to give to the Inspector all assistance in connection with the investigation or inspection which he is reasonably able to give.

(3) An Inspector may call upon and examine on oath any officer of the society in relation to the affairs of the society and it shall be the duty of every officer when so called upon to appear before the Inspector for such examination.

(4) On the conclusion of the investigation or inspection, as the case may be, the Inspector shall make a report to the Registrar on the matters on which he was directed by the State Government to report.

(5) For refusal to comply with the provisions of sub-section (2) or sub-section (3), the officer in default shall be punishable with fine which may extend to two hundred and fifty rupees.

(6) The Registrar shall send the report with his comments thereon to the State Government. On perusal of such report and comments of the Registrar the State Government may give such directions as it may think fit to the society for the removal of any defects or irregularities within such time as may be specified and on the society making any default in taking action according to such directions the State Government may direct the Registrar to move the Court for dissolution of the society.

(7) If on a perusal of the report and the comments of the Registrar, it appears to the State Government that any person has, in relation to the formation, promotion, management or conduct of the business of the society, been guilty

(Section 24.)

of any offence for which he is criminally liable, the State Government may direct the prosecution of such person for the offence.

(8) The expenses of, and incidental to, an investigation by an Inspector appointed by the State Government shall be defrayed by the State Government.

Dissolu-
tion by
resolution.

24. (1) A society may be dissolved if by the votes of ¹[three-fourths] of the members it passess a resolution for such dissolution at a general meeting convened for the purpose.

(2) Where a resolution for dissolution of a society is passed under sub-section (1), the Governing body shall take such steps for the disposal and settlement of the property of the society and its claims and liabilities as it may think fit subject to the regulations of the society, if any.

(3) After all necessary steps have been taken under sub-section (2), the Governing Body shall send a report to the Registrar mentioning if there are any surplus assets.

(4) The Registrar shall thereupon issue a notice in the *Official Gazette* to the effect that if no objection is received from any claimant, or creditor or any member of the society within three months from the date of the notice, the society shall, subject to the provisions of section 27, be dissolved.

(5) If no objection is received within three months as aforesaid, and after the surplus assets, if any, have been disposed of as provided in section 27, the Registrar shall make an order confirming the dissolution of the society and thereupon the society shall stand dissolved. The Registrar shall record the order of dissolution in the register maintained in his office.

(6) If any objection is received from any claimant or creditor within the period of three months as aforesaid the Registrar shall not make an order confirming the dissolution of the society unless he is satisfied that the relevant claim or liability has been duly settled and the surplus assets, if any, have been disposed of as provided in section 27. If however any objection is received from any member the Registrar shall not make an order confirming the dissolution of the society but shall make an application to the Court under section 25.

(7) Where any Government has made in any manner any contribution to the funds or other assets of a society, such society shall not be dissolved, unless the State Government has given its assent to the dissolution.

¹Substituted for the word "three-fifths" by sec. 6 of the West Bengal Societies Registration (Amendment) Act, 1964 (West Ben. Act X of 1964).

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(Sections 25—28.)

25. (1) The Court may, on the application of the Registrar or on the application of not less than one-tenth of the members, make an order for the dissolution of a society in the following cases :—

Dissolu-
tion by
Court.

- (a) if there is any contravention by the society of the provisions of this Act ;
- (b) if the number of members is less than seven ;
- (c) if the society has ceased to function for more than three years ;
- (d) if the society is unable to pay its debts or meet its liabilities ;
- (e) if it is proper that the society should be dissolved.

(2) When an order for the dissolution of a society is made by the Court, dissolution shall take place in such manner as the Court may direct.

26. (1) Where in the opinion of the Registrar there are reasonable grounds to believe that a society is not managing its affairs properly or is not functioning, he shall send to the society at its registered office a notice by registered post calling upon it to show cause within such time as may be specified in the notice why the society shall not be dissolved.

Dissolu-
tion by
Registrar.

(2) If no cause is shown or if the cause shown be considered by the Registrar to be unsatisfactory the Registrar may move the Court under section 25 for making an order for the dissolution of the society.

27. If after the disposal and settlement of the property of a society and its claims and liabilities, there are any surplus assets, such assets shall not be paid to or distributed amongst the members of the society or any of them but shall be given to some other society to be determined—

Members
to receive
no profit
up on dis-
solution.

- (a) in the case of a dissolution under section 24, by the votes of ¹[three-fourths] of the members, or in default thereof, by the Registrar, with the approval of the State Government ;
- (b) in the case of a dissolution under section 25, by the Court.

²28. A person shall be disqualified for being chosen as, and for being, a member of the Governing Body or the President, Secretary or any other office-bearer of a society, if—

Disquali-
fications
for being
member of
the Govern-
ing Body,
etc., of a
society.

- (a) he is an undischarged insolvent, or
- (b) he has been convicted of any offence in connection with the formation, promotion, management or conduct of the affairs of a society or a body corporate, or of any offence involving moral turpitude :

¹Substituted for the word "three-fifths" by sec. 7 of the West Bengal Societies Registration (Amendment) Act, 1964 (West Ben. Act X of 1964).

²Substituted for the existing section by sec. 8, *ibid.*

(Sections 29—35.)

Provided that the disqualification under clause (b) shall cease at the end of five years after the date of conviction, or where a sentence of imprisonment has been imposed, after the date of expiration of the sentence.

Inspection of documents and grant of certified copies thereof.

29. Any person may inspect any document filed with the Registrar under this Act on payment of a fee of one rupee for every inspection; and any person may obtain a copy or extract of any document or any part of any document, certified by the Registrar, on payment of such fee as may be prescribed. Such certified copy shall be admissible as evidence of the matters therein contained in all legal proceedings.

Terms of gift to be observed.

30. (1) Where a society accepts a gift of any kind from any person for a specific purpose it shall not use the gift or any part thereof for any other purpose without the written consent of the donor or if the donor be dead, without the written consent of the Registrar. The Registrar shall not give such consent unless he is satisfied that the purpose for which the gift was made is incapable of execution by the society.

(2) For any contravention of the provisions of sub-section (1), every officer in default shall be punishable with fine which extend to two hundred and fifty rupees.

Communications with a society.

31. All communications with a society shall be addressed to the society by name and sent to its registered office.

No prosecution to be instituted without previous sanction.

32. (1) No prosecution shall be instituted for any offence under this Act except with the previous sanction of the State Government.

(2) Nothing in sub-section (1) shall apply to any prosecution mentioned in section 21.

Indemnity.

33. No suit, prosecution or proceeding shall lie in any Civil or Criminal Court against the Registrar or against any Inspector appointed under section 23, and no suit or proceeding shall lie in any Civil Court against the State Government, for anything in good faith done or intended to be done under this Act or the rules.

Limitation.

34. (1) An appeal under this Act may be filed within thirty days of the date of the objection or order appealed against.

(2) The provisions of sections 5 and 12 of the Indian Limitation Act, 1908, shall apply to any appeal under this Act.

Power to make rules.

35. (1) The State Government may make ¹rules for carrying out the purposes of this Act.

¹For rules made under sec. 35 of the Act, see notification No. 1077 Com., dated the 23rd March, 1963, published in the *Calcutta Gazette, Extraordinary*, dated 28.3.63, Part I, pages 643-646.

XXVI of 1961.]

(Section 36.)

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the procedure for any appeal under this Act to the State Government and the fee for such appeal, if any ;
- (b) the fee, if any, to be paid for filing any document, other than the memorandum and the regulations under sub-section (1) of section 4 ;
- (c) the maintenance of the register of societies and other books, if any, by the Registrar ;
- (d) the fee to be paid for obtaining any copy or extract of any document certified by the Registrar.

(3) All fees paid under this Act shall be credited to the Consolidated Fund of the State.

of 1860.

36. (1) The Societies Registration Act, 1860, in its application to West Bengal, is hereby repealed.

Repeal and savings.

(2) Any society registered in any place within West Bengal under the Societies Registration Act, 1860, shall be deemed to have been registered under this Act, and its principal office shall be deemed to be the registered office of the society :

Provided that—

- (a) the memorandum of association and the regulations of any such society shall, if they are repugnant to any of the provisions of this Act and the rules, be brought in conformity therewith within six months from the commencement of this Act or within such further period as the Registrar may allow, and thereafter shall to the extent of such repugnancy be deemed to be void and of no effect ;
- (b) any officer elected or appointed to an office before the commencement of this Act and holding such office immediately before such commencement shall continue to hold such office until the expiry of his term of office or until such office is lawfully terminated ;
- (c) nothing in this section shall affect—
 - (i) any right, privilege, obligation or liability acquired, accrued or incurred under the Societies Registration Act, 1860 ;
 - (ii) any penalty or punishment incurred in respect of any offence committed under the said Act ;

[West Ben. Act XXVI of 1961.]

(Section 36.)

(ii) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty or punishment as aforesaid ;

(iv) any proceedings in dissolution commenced before the coming into force of this Act ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty or punishment may be imposed and any such proceedings in dissolution may be continued as if this Act had not been passed.

THE NORTH BENGAL UNIVERSITY ACT, 1961.

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West Bengal Act XXVII of 1961¹

THE NORTH BENGAL UNIVERSITY ACT, 1961.

:[15th December, 1961.]

An Act to establish and incorporate a teaching and affiliating University for the Northern Districts of West Bengal.

It is hereby enacted in the Twelfth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the North Bengal University Act, 1961. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
2. In this Act, unless the context otherwise requires,— Definitions.
- (a) “college” means a college established, maintained, affiliated or recognised by the University and includes a college referred to in sub-section (2) of section 5 ;
- (b) “constituent college” means a college recognised as such by the University ;
- (c) “district” means any of the districts of Darjeeling, Jalpaiguri, Cooch Behar, Malda, West Dinajpur or any district which may be created in future out of any part or parts of one or more of the aforementioned districts ;
- (d) “Minister” means the Minister-in-charge of the Department of Education of the Government of West Bengal ;
- (e) “prescribed” means prescribed by Statutes, Ordinances, Regulations or Rules made under this Act ;
- (f) “Principal” of a college means the head of the college by whatsoever designation he may be described or called ;

¹For Statement of Objects and Reasons and the Financial Memorandum, see the *Calcutta Gazette, Extraordinary* of the 31st August, 1961, Part IVA, pages 2219-2300 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 31st, 22nd and 23rd September, 1961 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meetings of that Council held on the 3rd and 4th October, 1961.

²This Act came into force on the 19th May, 1962. Vide notification No. 1694 Edn. (G)/GIU—125/61, dated the 16th May, 1962, published in the *Calcutta Gazette, Extraordinary* of 1962, Part I, page 1847.

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(Chapter II.—*The University.*—Sections 3, 4.)

- (g) "Statutes", "Ordinances", "Regulations" and "Rules" mean respectively the Statutes, Ordinances, Regulations and Rules of the University made under this Act ;
- (h) "Teacher" means a Professor, Assistant Professor, Reader, Lecturer, Demonstrator, Instructor, or any other person holding a teaching post in a college ;
- (i) "Teacher of the University" means a person appointed or recognised as such by the University, either wholetime or part-time, for the purpose of imparting instruction in the University ;
- (j) "University" means the University of North Bengal constituted under this Act ; and
- (k) "year" means a period of twelve months beginning on the first day of June.

CHAPTER II.

THE UNIVERSITY.

The University.

3. (1) The first members of the University referred to in sub-section (2) of section 8 and all persons who may hereafter become members of the University shall, so long as they continue to be members, constitute a body corporate by the name of the University of North Bengal.

(2) The University shall have perpetual succession and a common seal and shall sue and be sued in the name of the University of North Bengal.

Powers of the University.

4. Subject to the provisions of this Act, the University shall have the following powers, namely :—

- (1) to provide for instruction and training in such branches of learning as it may think fit and to make provisions for research and for the advancement and dissemination of knowledge ;
- (2) to establish, maintain, manage or recognise colleges, libraries, museums and such other institutions as it may consider fit ;
- (3) to recognise any college as a constituent college and to withdraw such recognition ;
- (4) to affiliate to itself any college and to withdraw affiliation from any affiliated college ;
- (5) to institute degrees, titles, diplomas, certificates and other academic distinctions ;
- (6) to hold examinations and to confer degrees, titles, diplomas, certificates and other academic distinctions on persons who—

XXVII of 1961.]

(Chapter II.—The University.—Section 4.)

- (a) shall, unless exempted therefrom in such manner as may be prescribed by Statutes, have pursued in an affiliated or constituent college or in the University such courses of study and shall have passed such examinations of the University as may be prescribed by Ordinances, or
- (b) shall have carried on research under such conditions as may be prescribed by Ordinances ;
- (7) to confer honorary degrees or other academic distinctions under such conditions as may be prescribed ;
- (8) to co-operate with other Universities and other authorities in such manner and for such purposes as the University may determine ;
- (9) to institute and make appointments to professorships, assistant professorships, readerships, teacherships of the University, lecturerships or any other teaching posts ;
- (10) to institute and award fellowships, scholarships, exhibitions, prizes, medals and other honours and distinctions ;
- (11) to prescribe, demand and receive fees, fines and other charges ;
- (12) to establish, maintain and manage hostels and other places of residence for the students of the University, to recognise such hostels and other places and to withdraw recognition therefrom ;
- (13) to provide for the supervision and control of the residence and discipline of the students of the University, constituent colleges, affiliated colleges, recognised colleges and other institutions recognised by the University and to make arrangements for promotion of their health and general welfare ;
- (14) to conduct, co-ordinate, regulate and control post-graduate research work and teaching in the University, constituent colleges, affiliated colleges, recognised colleges and other institutions recognised by the University ;
- (15) to define the powers and duties of the officers of the University other than the Chancellor and the Vice-Chancellor ;
- (16) to provide for the inspection, or investigation into the affairs, of a college or of any other institution referred to in clause (2) ;
- (17) to create such administrative, ministerial or other posts under the University as it may deem fit and to make appointments thereto ;

[West Ben. Act

(Chapter II.—The University.—Section 5.)

- (18) to receive grants, donations, endowments and bequests and to raise loans ;
- (19) to make grants and advances ;
- (20) to enter into contracts ;
- (21) to acquire, hold and dispose of property, movable or immovable, for furthering any of the objects of the University ;
- (22) to make grants for the maintenance of the National Cadet Corps ; and
- (23) to do all other acts and things, whether incidental to the powers aforesaid or not, as may be necessary for furthering the objects of the University and for promoting arts, science and other branches of learning.

Territorial
exercise of
powers.

5. (1) Save as otherwise provided in this Act, the powers of the University conferred by or under this Act shall not extend beyond the limits of any district referred to in clause (c) of section 2.

(2) Notwithstanding anything contained in any other law for the time being in force, with effect from such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf (hereafter in this section referred to as the appointed day),—

- (a) such colleges existing on the appointed day within the limits of the districts referred to in clause (c) of section 2 as may be specified in the notification shall—
 - (i) be deemed to be affiliated to the University and continue to be so affiliated until the University otherwise directs, and
 - (ii) cease to be affiliated to the University of Calcutta to which they may have been affiliated before the appointed day ;
- (b) any Teacher, Principal or member of the Governing Body of any such college holding or having been elected to, by virtue of his being such Teacher, Principal or member, any office in or under the University of Calcutta or any of the authorities of the said University shall cease to hold such office and the vacancy so caused shall be deemed to be a casual vacancy for the purpose of the Calcutta University Act, 1951.

West

Act 3
of 1961

¹ For notification relating to affiliation—

(a) of the Jalpaiguri Engineering College, see notification No 2024 Edn. (G)/G.I.U-125/61, dated the 11th June, 1962, published in the *Calcutta Gazette, Extraordinary* of 1962, Part I, pages 1967-1968.

(b) of certain Colleges, see notification No. 2313 Edn. (G)/G.I.U-125/61, dated the 4th July, 1962, published in the *Calcutta Gazette, Extraordinary* of 1962, Part I, pages 2067-2068.

XXVII of 1961.]

(Chapter II.—The University.—Sections 6—8.)

6. (1) The University shall not discriminate against any person on grounds only of religion, race, caste, sex, place of birth, language or any of them with regard to—

Prohibition as to discrimination on grounds of religion, race, caste, sex, place of birth or language.

- (a) admission as a student or employment as a teacher ; or
- (b) the holding of any office ; or
- (c) the acquisition of any degree, title, diploma, certificate or other academic distinction ; or
- (d) the exercise or enjoyment of any power or privilege.

(2) Nothing in this section shall prevent the University from accepting any benefaction the terms whereof are contrary to the provisions of this section or from acting in accordance with such terms or the terms of any other similar benefaction which has been or may be accepted by any college or other educational institution affiliated to or recognised by the University.

7. (1) The University may constitute an Executive Council, an Academic Council, and such Faculties, Departments, Committees, Boards, Councils and other authority or authorities as it may deem fit and shall prescribe the powers and duties of every such subordinate authority when it is constituted.

Subordinate authorities and delegation of powers to them.

(2) The University may delegate such of its powers as it may deem expedient to any of the subordinate authorities constituted by it under sub-section (1) or to any of its officers, and, may, at any time, withdraw, at its discretion, any power so delegated.

8. (1) The following persons shall be the members of the University, namely :—

Members of the University and their terms of office.

- (i) the Chancellor, *ex-officio* ;
- (ii) the Vice-Chancellor, *ex-officio* ;
- (iii) the Secretary, Department of Education, Government of West Bengal, *ex-officio* ;
- (iv) the Secretary, Department of Finance, Government of West Bengal, *ex-officio* ;
- (v) the Deans of the Faculties of the University, if any, *ex-officio* ;
- (vi) three Principals of constituent colleges, if any, not being Deans of Faculties of the University, to be appointed by the Chancellor in accordance with the provisions of sub-section (1) of section 9 ;
- (vii) former Vice-Chancellors of the University except those who may have expressed their unwillingness in writing to serve as members, *ex-officio* ;

(Chapter II.—The University.—Section 8.)

- (viii) three Principals of affiliated colleges, not being Deans of Faculties of the University, to be appointed by the Chancellor in accordance with the provisions of sub-section (2) of section 9 ;
- (ix) three persons to be elected in accordance with the provisions made in this behalf by Statutes, of whom—
- (a) one shall be a Teacher of the University, not being a Dean of a Faculty of the University, and shall be elected by the Teachers of the University, and
- (b) two shall be Teachers of Colleges not being Principals, and shall be elected by Teachers of Colleges ;
- (x) two persons to be elected in accordance with the provisions made in this behalf by Statutes by members of Governing Bodies of Colleges, not being Principals or Teachers of Colleges, from amongst themselves ;
- (xi) the President, Board of Secondary Education, West Bengal, *ex-officio* ; and
- (xii) five persons having special interest in the promotion of University education to be appointed by the Chancellor.
- (2) The persons referred to in clauses (i) to (iv) and (xi) of sub-section (1) shall be the first members of the University.
- (3) As soon as may be after the University has been first established, it shall take all necessary steps to enable the persons referred to in clauses (v), (vi) and (viii) to (x) of sub-section (1) to join as members of the University.
- (4) The members of the University other than *ex-officio* members shall hold office for a term of two years from the date on which they are appointed or elected :
- Provided that the members referred to in clauses (vi), (viii) (ix) and (x) of sub-section (1) shall cease to hold office as such as soon as they cease to hold office as Principals of constituent colleges, or as Teachers of the University, or colleges, or as members of Governing Bodies of colleges, as the case may be.
- (5) Of the three members to be appointed under clause (viii) of sub-section (1), one shall be the Principal of a Government College, one shall be the Principal of a sponsored college while the third shall be the Principal of one of the other affiliated colleges. The State Government shall supply to the University lists of Government Colleges and sponsored colleges within the jurisdiction of the University and shall forthwith intimate to the University any changes that may occur in any such list from time to time.

XXVII of 1961.]

(Chapter II.—The University.—Sections 9—11.)

Explanation.—For the purposes of this Act “sponsored college” means a college recognised as such by the State Government and included in a list furnished to the University by the State Government.

9. (1) The University shall maintain and keep up-to-date in such manner as may be prescribed by Statutes a register of the names of the Principals of constituent colleges and the names of all such Principals shall be entered therein in order of their seniority. The persons entered in the register, shall, except where they are Deans of Faculties, be entitled, in order of their seniority, to be appointed, by rotation, as members of the University as provided for in clause (vi) of sub-section (1) of section 8.

Registers
of Prin-
cipals.

(2) The University shall in like manner maintain and keep up-to-date separate registers of the names of the Principals of all Government Colleges, sponsored colleges, and other colleges affiliated to it; and the names of all such Principals shall be respectively entered therein in order of their seniority. The persons entered in each of these registers shall, except where they are Deans of Faculties, be entitled, in order of their seniority, to be appointed, by rotation, as members of the University as provided for in clause (viii) of sub-section (1) read with sub-section (5) of section 8.

(3) For the purposes of sub-section (1) or sub-section (2), the seniority of a person shall be calculated in consideration of the total period during which such person has served as a Principal in any institution teaching for a degree or post-graduate course of any University incorporated by law in India.

(4) If any question arises relating to the seniority of any person whose name is entered in a register referred to in sub-section (1) or sub-section (2), the question shall be decided by the University and an appeal from such decision shall, if preferred within thirty days from the date of such decision, lie to the Chancellor and the decision of the Chancellor shall be final.

10. The University shall maintain and keep up-to-date in such manner as may be prescribed by Statutes separate registers of the names of Teachers of the University, Teachers of colleges and Members of Governing Bodies of colleges not being Principals or Teachers of colleges.

Registers
of Teachers
and
Members
of Govern-
ing Bodies
of Colleges.

11. (1) No person shall be qualified for appointment or election as a member of the University if, at the time of his appointment or election, he—

Disquali-
fication for
member-
ship.

- (a) has been declared by a competent court to be of unsound mind; or
- (b) is an undischarged insolvent; or
- (c) has been convicted by a court of law for an offence which involves moral turpitude.

(Chapter II.—The University.—Sections 12, 13.)

(2) If any member incurs any of the disqualifications enumerated in sub-section (1) after the date of his appointment or election, or if the Chancellor is satisfied that any member had been suffering from any such disqualification at the time of his appointment or election as such member, he shall be removed from his office as a member of the University by the Chancellor.

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12. (1) If a casual vacancy arises by reason of any member appointed under clause (vi), clause (viii) or clause (xii) of sub-section (1) of section 8 having,—

- (a) refused to serve as a member, or
- (b) died, or
- (c) resigned his office as a member, or
- (d) ceased to be a member under the proviso to sub-section (4) of section 8, or
- (e) been removed from his office as a member under sub-section (2) of section 11,

the Chancellor shall appoint a person with the requisite qualifications to fill the vacancy.

(2) A person appointed under sub-section (1) to fill a casual vacancy shall, subject to the provisions of the proviso to sub-section (4) of section 8, hold office as a member for a period of two years from the date of his appointment as a member.

(3) If a casual vacancy arises in the seat of any member elected under clause (ix) or clause (x) of sub-section (1) of section 8 for any of the reasons referred to in clauses (a), (b), (c), (d) or (e) of sub-section (1), such vacancy shall be filled by a person having the requisite qualifications to be elected by the body and in the manner referred to in clause (ix) or clause (x) as the case may be.

(4) Any person elected under sub-section (3) to fill a casual vacancy shall, subject to the provisions of the proviso to sub-section (4) of section 8, hold office as a member for the unexpired period of the term of office of the member in whose place he is so elected.

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13. No act or proceedings of the University or any subordinate authority of the University shall be called in question or invalidated merely by reason of the existence of a vacancy or vacancies among its members or of any member not having been duly appointed or elected or having become disqualified.

XXVII of 1961.]

(Chapter III.—The Offices of the University.—Sections 14, 15.—Chapter IV.—Officers of the University.—Sections 16—18.)

CHAPTER III.

THE OFFICES OF THE UNIVERSITY.

14. The Offices of the University shall be located at Siliguri but the University may maintain such offices as it deems fit at any other place. Offices of the University.

15. (1) The Executive Council of the University may, after it has been constituted, hold its meetings at Darjeeling, Cooch Behar or in any other district. Venue of meetings of subordinate authorities.

(2) Any other subordinate authority may hold its meetings at Darjeeling, Cooch Behar or in any other district as the University may require.

CHAPTER IV.

OFFICERS OF THE UNIVERSITY.

16. The following shall be the officers of the University :— Officers of the University.

- (i) The Chancellor,
- (ii) The Vice-Chancellor,
- (iii) The Finance Officer,
- (iv) The Registrar, and
- (v) such other persons in the service of the University as the University may declare to be officers of the University.

17. The Governor of the State of West Bengal shall be the *ex-officio* Chancellor of the University and shall, when present, preside at meetings of the University including any convocation of the University. The Chancellor.

18. (1) The Vice-Chancellor of the University shall be appointed by the Chancellor in consultation with the Minister. He shall be paid from the University Fund such salary and emoluments as the Chancellor may decide and shall hold office for four years. The Vice-Chancellor.

(2) If the Vice-Chancellor is by reason of leave, illness or other cause temporarily unable to exercise the powers and perform the duties of his office, the University may, subject to the approval of the Chancellor, appoint one of its members to exercise the powers and perform the duties of the Vice-Chancellor.

[West Ben. Act

(Chapter IV.—Officers of the University.—Sections 19—21.)

(3) If a vacancy occurs in the office of the Vice-Chancellor by reason of his resignation or death or the expiration of his term of office, the Chancellor shall appoint a new Vice-Chancellor and pending such appointment the University shall, subject to the approval of the Chancellor, authorise one of its members to exercise the powers and perform the duties of the Vice-Chancellor.

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ancellor.

19. (1) The Vice-Chancellor shall be a whole-time officer of the University and shall be the administrative and academic head of the University. He shall, in the absence of the Chancellor, preside at meetings of the University including any convocation of the University. He shall be an *ex-officio* member and Chairman of such subordinate authorities constituted by the University as may be prescribed and shall be entitled to be present at, and to address, any meeting of any other subordinate authority of the University but shall not be entitled to vote thereat unless he is a member of that authority.

(2) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act and the Statutes, Ordinances, Regulations and Rules made thereunder are duly observed and he shall exercise general control over the affairs of the University and exercise all such powers as may be necessary for this purpose.

(3) In any emergency which in the opinion of the Vice-Chancellor requires that immediate action should be taken, he may take such action as he may deem necessary and shall at the earliest opportunity report his action to the authority which would have ordinarily dealt with the matter :

Provided that where any such action taken by the Vice-Chancellor prejudicially affects any person in the service of the University, such person shall be entitled to prefer, within thirty days from the date on which he receives notice of such action, an appeal to the University.

nance
ficer.

20. (1) The Finance Officer shall be appointed by the University. He shall be a whole-time officer of the University and shall be paid such salary from the University Fund and hold office for such period as the University may decide.

(2) If the Finance Officer is by reason of leave, illness or other cause, unable to exercise the powers and perform the duties of his office, the University may appoint a person temporarily to exercise his powers and perform his duties.

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21. (1) The Finance Officer shall exercise general supervision over the University Fund and advise the University in regard to all financial matters concerning the University.

XXV II of 1961.]

*(Chapter IV.—Officers of the University.—Section 22.—
Chapter V.—Statutes, Ordinances, Regulations and
Rules.—Section 23.)*

(2) The Finance Officer shall, subject to the control of the University, manage the property and investments of the University. He shall be responsible for the preparation of the annual budget and the annual accounts.

(3) Subject to the control of the University, the Finance Officer shall be responsible for seeing that all monies are expended for the purpose for which they have been granted or allotted.

(4) Save as may be otherwise prescribed, all contracts shall be signed by the Finance Officer on behalf of the University.

(5) The Finance Officer shall exercise such other powers as may be prescribed.

22. (1) The Registrar shall be appointed by the University. He shall be a whole-time officer of the University and shall be paid such salary from the University Fund and shall hold office for such period as the University may decide.

The
Registrar.

(2) The Registrar shall exercise such powers and perform such duties as may be prescribed.

(3) If the Registrar is, by reason of leave, illness or other cause, unable to exercise the powers and perform the duties of his office, the University may appoint a person temporarily to exercise his powers and perform his duties.

CHAPTER V.

STATUTES, ORDINANCES, REGULATIONS AND RULES.

23. (1) The University may make Statutes, Ordinances, Regulations and Rules for the purpose of duly carrying out the provisions of, or exercising the powers conferred on it by, this Act.

Statutes,
Ordinances,
Regulations and
Rules—
how made.

(2) The University may delegate to a subordinate authority constituted by it the power to make Ordinances, Regulations or Rules to such extent as it may consider necessary and may, at any time, withdraw the power so delegated, or modify or cancel, any such Ordinance, Regulation or Rule made by a subordinate authority.

(3) Every Statute or Ordinance made under this Act shall, before it is given effect to, be submitted to the Chancellor and shall be modified or amended in such manner as may be suggested by the Chancellor.

(4) The Chancellor may, at any time after an Ordinance has been made, signify to the University his disallowance of such Ordinance, and from the date of receipt by the University of intimation of such disallowance such Ordinance shall cease to have effect.

[West Ben. Act

(Chapter V.—Statutes, Ordinances, Regulations and Rules.—
Section 23.)

(5) Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :—

- (a) the constitutions, duties and powers of the subordinate authorities which may be constituted by the University ;
- (b) the subordinate authorities of which the Vice-Chancellor shall be an *ex-officio* member and Chairman ;
- (c) the filling of vacancies of members of the subordinate authorities and all other matters relating to those authorities ;
- (d) the appointment, powers and duties of the officers of the University other than the Chancellor and the Vice-Chancellor ;
- (e) the institution of, and making of appointments to, professorships, assistant professorships, readerships, teacherships of the University, lecturerships or any other teaching posts ;
- (f) the constitution of a pension, insurance or provident fund for the benefit of the officers, Teachers and other employees of the University ;
- (g) the conferment of honorary degrees ;
- (h) the institution and conferment of degrees, diplomas, titles, certificates and other academic distinctions ;
- (i) the establishment and abolition of Faculties, Departments of Studies, colleges, libraries, museums and other institutions ;
- (j) the maintenance of registers of Government Colleges, sponsored colleges, constituent colleges and affiliated colleges and the names of the Principals thereof ;
- (k) the maintenance of a register of Teachers of the University, not being Deans of Faculties of the University, and a register of Teachers of Colleges, not being Principals of Colleges, and the procedure to be followed for the election of the members of the University referred to in clause (ix) of sub-section (1) of section 8 ;
- (l) the maintenance of a register of Members of Governing Bodies of Colleges not being Principals or Teachers of Colleges and the procedure to be followed for the election of the members referred to in clause (x) of sub-section (1) of section 8 ;
- (m) the conditions under which colleges and other institutions may be recognised or affiliated by the University, and the withdrawal of such recognition or affiliation ;

XXVII of 1961.]

*(Chapter V.—Statutes, Ordinances, Regulations and Rules.—
Section 23.)*

- (n) the conditions under which colleges may be recognised as constituent colleges ;
 - (o) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes ;
 - (p) the calling of meetings of the University and the giving of notice thereof to the members of the University and the quorum and procedure at such meetings ;
 - (q) contracts by the University and the execution thereof ;
 - (r) annual report of the University ;
 - (s) qualifications of Teachers including Teachers of the University ;
 - (t) the fees to be charged for courses of study in the University and in colleges and for admission to the examinations for degrees and diplomas of the University ;
 - (u) the manner of exemption from study referred to in sub-clause (a) of clause (6) of section 4 ; and
 - (v) all other matters which by or under this Act are required to be or may be provided for by Statutes.
- (6) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely :—
- (a) the admission of students to the University and their enrolment as such ;
 - (b) the courses of study to be laid down for all degrees, diplomas and certificates of the University ;
 - (c) the qualifications for the degrees, diplomas, certificates and other academic distinctions to be awarded by the University, and the examinations and papers, if any, to be passed and submitted relating to the granting and obtaining of the same ;
 - (d) the conditions of the award of fellowships, scholarships, studentships, exhibitions, medals and prizes ;
 - (e) the conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators ;
 - (f) the maintenance of discipline among the students of the University and the colleges ;
 - (g) the conditions of residence of students at the University and the colleges ;
 - (h) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students, and the prescribing for them of special courses of study ;

[West Ben. Act

(Chapter VI.—*The University Fund, Annual Report and Accounts.—Section 24.*)

- (i) the emoluments, and the terms and conditions of service of Teachers of the University ;
- (j) the management of colleges and other institutions founded or maintained by the University ;
- (k) the supervision and inspection of colleges and other institutions ; and
- (l) all other matters which by this Act or the Statutes are to be or may be provided for by Ordinances.

(7) Subject to the other provisions of this Act and the provisions of the Statutes and the Ordinances, Regulations may be made to provide for all or any of the following matters :—

- (a) the procedure to be observed at the meetings of a subordinate authority and the number of members required to form a quorum ;
- (b) the calling of meeting of such subordinate authority, and the giving of notice to its members of the dates of the meetings and of the business to be considered thereat and for the keeping of a record of the proceedings of such meetings ;
- (c) matters which by this Act, the Statutes or the Ordinances are required to be prescribed by Regulations ; and
- (d) all other matters solely concerning a subordinate authority or committees appointed by it and not provided for by this Act, the Statutes or the Ordinances.

(8) Subject to the provisions of this Act and the provisions of the Statutes, the Ordinances and the Regulations, Rules may be made for the purpose of duly carrying out the provisions of, or exercising the powers conferred by, this Act or to provide for matters which, by the Statutes, the Ordinances or the Regulations, are required to be prescribed by Rules.

CHAPTER VI.

THE UNIVERSITY FUND, ANNUAL REPORT AND ACCOUNTS.

Fund of
the Uni-
versity.

24. (1) The University shall have a fund, elsewhere in this Act referred to as the University Fund.

(2) All monies received by the University by way of fees, fines, endowments, grants, donations, bequests or loans or on any other account whatsoever, shall be credited to, and all expenditure incurred by the University shall be paid out of, the University Fund.

XXVII of 1961.]

(Chapter VI.—The University Fund, Annual Report and Accounts.—Sections 25, 26.—Chapter VII.—Supplementary Provisions.—Section 27.)

25. The annual report of the University shall be prepared under the direction of such subordinate authority or officer and shall be submitted to the University on or before such date as may be prescribed. The annual report shall be considered by the University at a meeting.

Annual
Report.

26. (1) As soon as may be after the close of a year, the accounts of the University for that year shall be audited by an auditor appointed by the State Government or in such other manner as the State Government may direct.

Annual
Accounts
and
Budget.

(2) The University shall consider the audited annual accounts at a meeting and may take such action thereon as it thinks fit.

(3) The budget for each year shall be presented to and considered by the University at a meeting convened for the purpose not less than one month before the end of the preceding year. The University may take such action thereon as it may deem fit.

(4) Copies of the budget as passed by the University and the audited accounts together with copies of the audit report shall be submitted to the Chancellor and to the State Government.

(5) The State Government may require the University to supply to it any information in regard to the accounts and the budget and the University shall comply with such requisition.

CHAPTER VII.

SUPPLEMENTARY PROVISIONS.

27. (1) The Chancellor shall have the power to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories and equipments, and of any college or other institution, and also of the examinations, teaching and other work conducted or done by the University, and may cause an inquiry to be made in like manner in respect of any matter connected with the University :

Visit and
Inspection.

Provided that the Chancellor shall, in every such case, give previous notice to the Vice-Chancellor.

(2) The Chancellor shall communicate to the Vice-Chancellor his views on the result of any such inspection or inquiry. The University shall consider such views at a meeting and communicate its opinion to the Chancellor. After considering such opinion, the Chancellor may give such advice as he thinks fit regarding the action to be taken on the result of the inspection or inquiry.

[West Ben. Act

(Chapter VII.—Supplementary Provisions.—Sections 28—31.)

(3) The University shall report to the Chancellor the action, if any, which is proposed to be taken or has been taken by it upon the advice given under sub-section (2).

(4) If action be not taken within a reasonable time to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the University in this regard, issue such directions in writing as he may think fit and the University shall comply with these directions.

Contract
of service
for officers
and
Teachers.

28. Except as otherwise provided under this Act or the Statutes, every salaried officer other than the Vice-Chancellor and every Teacher of the University shall be appointed under a written contract which shall be lodged with the University and a copy thereof shall be furnished to the officer or Teacher concerned.

Board of
Arbitrators.

29. Every dispute arising out of a contract between the University and any of its officers or Teachers shall be referred to a Board of Arbitrators consisting of one member appointed by the University, one member nominated by the officer or Teacher concerned and an umpire appointed by the Chancellor and the decision of the Board on such dispute shall be final, and no suit shall lie in any Civil Court in respect of the matters decided by the Board.

Pension
and pro-
vident
funds.

30. (1) The University shall constitute for the benefit of its salaried officers (including the Vice-Chancellor), Teachers and other servants, in such manner and subject to such conditions as may be prescribed, such pension, insurance or provident funds as it may deem fit.

(2) Where a provident fund has been constituted by the University for the benefit of its officers, Teachers and other servants of the University, the provisions of the Provident Funds Act, 1925 shall apply to such fund as if the fund were a Government Provident Fund.

Power to
remove
difficulties.

31. If any difficulty arises with respect to the establishment of the University or any subordinate authority of the University or to the transaction of any business of the University, the Vice-Chancellor may refer the same to the Chancellor who may thereupon issue such direction or cause such action to be taken as appears to him to be necessary or expedient for resolving the difficulty.

West Bengal Act XXIX of 1961

THE RABINDRA BHARATI ACT, 1961.

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Statutes, Ordinances, Regulations and Rules—how made.

CHAPTER V.

THE UNIVERSITY FUND, ANNUAL REPORT AND ACCOUNTS.

SECTION.

22. Fund of the University.
23. Annual Report.
24. Annual Accounts and Budget.

CHAPTER VI.

SUPPLEMENTARY PROVISIONS.

25. Visit and Inspection.
26. Contract of service for officers and Teachers.
27. Board of Arbitrators.
28. Pension and provident funds.
29. Power to remove difficulties.

West Bengal Act XXIX of 1961¹

THE RABINDRA BHARATI ACT, 1961.

[10th January, 1961.]

An Act to establish a University to perpetuate the memory of Rabindranath Tagore.

WHEREAS it is expedient to perpetuate the memory of Rabindranath Tagore and, to that end, to establish, on the occasion of his one hundredth birth anniversary, a University at his residential house in Calcutta for the advancement of learning and culture, particularly in the branches of music, the fine arts, dance and drama ;

It is hereby enacted in the Twelfth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

CHAPTER I.

Preliminary.

1. (1) This Act may be called the Rabindra Bharati Act, 1961.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

✓ 2. In this Act, unless the context otherwise requires—

Definitions.

(a) "the Academy" means the Academy of Dance, Drama and Music established and sponsored by the Government of West Bengal and functioning at No. 6/4, Dwarkanath Tagore Lane in Calcutta ;

(b) "Chancellor" means the Chancellor of the University ;

(c) "institution" includes a college, school, centre of culture, museum, library or any other organisation, by whatever name called, for training, instruction, research or study ;

(d) "Minister" means the Minister-in-charge of the Department of Education of the Government of West Bengal ;

(e) "prescribed" means prescribed by Statutes, Ordinances, Regulations or Rules made under this Act ;

¹For Statement of Objects and Reasons and the Financial Memorandum, see the *Calcutta Gazette, Extraordinary* of the 30th August, 1961, Part IVA, page 2197 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 18th, 20th and 21st September, 1961 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meetings of that Council held on the 26th September, 1961 and the 3rd October, 1961.

²This Act came into force on the 1st May, 1962. Vide notification No. 16 GEEn. (D)/IU—8/62, dated the 26th April 1962, published in the *Calcutta Gazette, Extraordinary* of 1962. Part I, page 1638a.

[West Ben. Act

(Chapter II.—The University.—Sections 3, 4.)

- (f) "Principal" of an institution means the Head of the institution by whatever designation he may be described or called ;
- (g) "Rabindra Bharati Society" means the society, by whatever name called, which was registered under the Societies Registration Act, 1860, under the name and style of Rabindra Bharati on the 15th January, 1947, having its office at No. 5, Dwarkanath Tagore Lane in Calcutta ; XXI of 1860.
- (h) "Statutes", "Ordinances", "Regulations" and "Rules" mean respectively the Statutes, Ordinances, Regulations and Rules of the University made under this Act ;
- (i) "Teacher" means a Professor, Reader, Lecturer, Demonstrator, Instructor, or any other person holding a teaching post in the University or an institution ;
- (j) "Teacher of the University" means a person appointed or recognised as such by the University, either wholtime or part time, for the purpose of imparting instruction in the University ; and
- (k) "the University" means the University known as Rabindra Bharati established and incorporated under this Act.

CHAPTER II.

The University.

Establishment of the University.

3. (1) The State Government shall, by notification in the *Official Gazette*, establish at the ancestral house of Rabindranath Tagore in Calcutta a University to be known as Rabindra Bharati, for the advancement of learning and culture, particularly in the branches of music, the fine arts, dance and drama.

(2) The first members of the University referred to in sub-section (2) of section 9 and all persons who may hereafter become members of the University shall, so long as they continue to be such members, constitute a body corporate by the name of Rabindra Bharati and shall have perpetual succession and a common seal, and shall sue and be sued by that name.

University to take over management of the Academy of Dance, Drama and Music.

4. On the establishment of the University—

- (1) the maintenance, management and control of the Academy, and all properties, movable or immovable, owned by the State Government and held for the purposes of the Academy, including all rights and liabilities of the State Government in relation to the Academy, shall vest in the University and the Academy shall be deemed to be a part of the University ;

XXIX of 1961.]

(Chapter II.—The University.—Sections 5, 6.)

- (2) persons employed in the Academy and continuing in office immediately before the date of establishment of the University shall, subject to such terms and conditions, not being less advantageous than what they were entitled to immediately before that date, as may be determined by the University, be deemed to be employees of the University.

5. The University may enter into an agreement with the Rabindra Bharati Society or any other institution for the promotion of any of the objects of the University and such agreement may provide for the taking over, on such terms and conditions as may be agreed upon, of all or any of the functions of the Rabindra Bharati Society or such other institution.

Power of
University
to take over
functions
of the
Rabindra
Bharati
Society
or other
institutions.

6. The University shall have the following powers, namely :—

Powers of
the Uni-
versity.

- (1) to provide for the teaching of, and for training and instruction in, all branches of humanities and science and, in particular, in music, the fine arts, dance and drama and to make provision for research and for the advancement and dissemination of knowledge ;
- (2) to establish, maintain or manage institutions, including libraries, museums and such other organisations as it may consider fit ;
- (3) to affiliate to itself or recognise institutions situated in the State of West Bengal, in respect of all or any of the following subjects, namely, music, fine arts, dance and drama, but not in respect of any other branch of humanities or any branch of science and to withdraw such affiliation or recognition ;
- (4) to institute degrees, titles, diplomas, certificates and other academic distinctions ;
- (5) to hold examinations and to confer degrees, titles, diplomas, certificates and other academic distinctions on persons who—
 - (a) shall, unless exempted therefrom in accordance with the Statutes, have pursued in an institution established, maintained, managed or recognised by the University or affiliated to it, such courses of study and shall have passed such examinations as may be prescribed by Ordinances ; or

(Chapter II.—The University.—Section 6.)

- (b) shall have carried on research under such conditions as may be prescribed by Ordinances ;
- (6) to confer honorary degrees, titles or other academic distinctions in accordance with the Statutes ;
- (7) to co-operate with other Universities, institutions and other authorities in furtherance of the objects of the University in such manner and for such purposes as the University may determine ;
- (8) to institute and make appointments to professorships, readerships, Teacherships of the University, lecturer-ships or any other teaching posts ;
- (9) to institute and award fellowships, scholarships, exhibitions, prizes, medals and other honours and distinctions ;
- (10) to prescribe, demand and receive fees, fines and other charges ;
- (11) to establish, maintain and manage hostels and other places of residence for the students of the University, to recognise such hostels and other places and to withdraw recognition therefrom ;
- (12) to provide for the supervision and control of the residence and discipline of the students of the University and of institutions established, maintained managed or recognised by, or affiliated to, the University and to make arrangements for promotion of their health and general welfare ;
- (13) to conduct, co-ordinate, regulate and control post-graduate research work and teaching in the institutions established, maintained, managed or recognised by, or affiliated to, the University ;
- (14) to define the powers and duties of the officers of the University other than the Chancellor and the Vice-Chancellor ;
- (15) to provide for the inspection, or investigation into the affairs, of any institution, library, museum or other organisation referred to in clause (2) ;
- (16) to create such administrative, ministerial or other posts under the University as it may deem fit and to make appointments thereto ;
- (17) to receive grants, donations, endowments and bequests and to raise loans ;
- (18) to make grants and advances ;
- (19) to enter into contracts ;
- (20) to acquire, hold and dispose of property, movable or immovable, for furthering any of the objects of the University ;
- (21) to make grants for the maintenance of the National Cadet Corps ; and

XXIX of 1961.]

(Chapter II.—The University.—Sections 7—9.)

- (22) to do all other acts and things, whether incidental to the powers aforesaid or not, as may be necessary for furthering the objects of the University and for promoting humanities, science, music, the fine arts, dance, drama and other branches of learning.

7. (1) The University shall not discriminate against any person on grounds only of religion, race, caste, sex, place of birth, language or any of them with regard to—

Prohibition as to discrimination on grounds of religion, race, caste, sex place of birth or language.

- (a) admission as a Teacher or student ; or
- (b) the holding of any office ; or
- (c) the acquisition of any degree, title, diploma, certificate or other academic distinction ; or
- (d) the exercise or enjoyment of any power or privilege.

(2) Nothing in this section shall prevent the University from accepting any benefaction the terms whereof are contrary to the provisions of this section or from acting in accordance with such terms or the terms of any other similar benefaction which has been or may be accepted by any institution established, maintained, managed or recognised by the University or affiliated to it.

8. (1) The University may constitute an Executive Council, an Academic Council, and such Faculties, Departments, Committees, Boards, Councils, and other authority or authorities as it may deem fit and shall prescribe by Statutes the powers and duties of every such subordinate authority.

Subordinate authorities and delegation of powers to them.

(2) The University may delegate such of its powers as it may deem expedient to any of the subordinate authorities constituted by it under sub-section (1) or to any of its officers and, may, at any time, withdraw at its discretion any power so delegated.

9. (1) The following persons shall be the members of the University, namely :—

Members of the University and their terms of office.

- (i) the Chancellor, *ex-officio* ;
- (ii) the Vice-Chancellor, *ex-officio* ;
- (iii) the Secretary, Department of Education, Government of West Bengal, *ex-officio* ;
- (iv) the Secretary, Department of Finance, Government of West Bengal, *ex-officio* ;
- (v) the President, Board of Secondary Education, West Bengal, *ex-officio* ;

[West Ben. Act

(Chapter II.—The University.—Section 9.)

- (vi) Principals of institutions established, maintained or managed by the University, *ex-officio* ;
 - (vii) three Heads of Departments of institutions established, maintained or managed by the University, not being Principals of such institutions, to be appointed by the Chancellor in accordance with provisions of sub-section (1) of section 10 ;
 - (viii) one representative of Visva-Bharati to be appointed by the Chancellor on the recommendation of the *Upacharya* of Visva-Bharati ;
 - (ix) two representatives of the Rabindra Bharati Society, not being Principals or Teachers of any institution either established, maintained, managed or recognised by the University or affiliated to it, to be appointed by the Chancellor on the recommendation of the President of the Rabindra Bharati Society ;
 - (x) the General Secretary of the Rabindra Bharati Society, *ex-officio* ;
 - (xi) the President, Bangiya Sahitya Parishad, *ex-officio* ;
 - (xii) the President, The Asiatic Society, *ex-officio* ;
 - (xiii) the President, Academy of Fine Arts, Calcutta, *ex-officio* ;
 - (xiv) former Vice-Chancellors of the University except those who may have expressed their unwillingness in writing to serve as members, *ex-officio* ;
 - (xv) two Principals of institutions affiliated to the University to be appointed by the Chancellor in accordance with the provisions of sub-section (2) of section 10 ;
 - (xvi) not more than five persons, to be appointed by the Chancellor, having special knowledge or practical experience in respect of one or more of the following subjects, namely, Literature, Philosophy, History, Science, the Fine Arts, Music, Dance and Drama.
- (2) The persons referred to in clauses (i) to (v) and (x) to (xiii) of sub-section (1) shall be the first members of the University.
- (3) As soon as may be after the University has been established, it shall take all necessary steps for the appointment of the persons referred to in clauses (vi) to (ix), (xv) and (xvi) of sub-section (1) as members of the University.

XXIX of 1961.]

(Chapter II.—The University.—Section 10.)

(4) A member of the University other than an *ex-officio* member shall hold office for a term of two years from the date on which he is appointed :

Provided that—

- (a) such term of two years shall be held to include any period which may elapse between the expiry of the said two years and the date of appointment of a new member in place of the member whose term of office expires ;
- (b) the members referred to in clause (vii) or clause (vi) or clause (xv) of sub-section (1) shall cease to hold office as such as soon as they cease to hold office as heads of departments of institutions or as Principals of institutions established, maintained or managed by, or affiliated to, the University, as the case may be.

10. (1) The University shall maintain and keep up-to-date in accordance with the Statutes, a register of the names of heads of departments of institutions established, maintained or managed by the University and the names of all such heads of departments shall be entered therein in order of their seniority. The persons whose names are entered in the register shall, except where they are Principals, be entitled, in order of their seniority, to be appointed, by rotation, as members of the University as provided in clause (vii) or sub-section (1) of section 9.

Register-
of heads
of depart-
ments and
Principals.

(2) The University shall in like manner maintain and keep up-to-date a separate register of the names of Principals of institutions affiliated to the University and the names of all such Principals shall be entered therein in order of their seniority. The persons whose names are entered in such register shall be entitled, in order of their seniority, to be appointed by rotation as members of the University as provided in clause (xv) of sub-section (1) of section 9.

(3) For the purposes of sub-section (1) or of sub-section (2), the seniority of a person shall be determined in accordance with the Statutes, having regard,—

- (a) in the case of a person referred to in sub-section (1), to the period of service rendered by such person in institutions established, maintained or managed by the University, and
- (b) in the case of a person referred to in sub-section (2), to the total period during which such person has served as a Principal in any institution teaching for a degree or post-graduate course of any University incorporated by law in India.

(4) If any question arises relating to the seniority of any person whose name is entered in a register referred to in sub-section (1) or sub-section (2), the question shall be decided

(Chapter II.—The University.—Sections 11, 12.)

by the University and an appeal from such decision shall, if preferred within thirty days from the date of such decision, lie to the Chancellor.

qualifi-
cation for
member-
ship.

11. (1) No person shall be qualified for appointment as a member of the University if, at the time of his appointment, he—

- (a) has been declared by a competent court to be of unsound mind ; or
- (b) is an undischarged insolvent ; or
- (c) has been convicted by a court of law for an offence which involves moral turpitude.

(2) If any member incurs any of the disqualifications enumerated in sub-section (1) after the date of his appointment or if the Chancellor is satisfied that any member had been suffering from any such disqualification at the time of his appointment as such member, he shall be removed from his office as a member of the University by the Chancellor.

casual
vacancies.

12. (1) If a casual vacancy arises by reason of any member appointed under clause (vii), clause (xv) or clause (xvi) of sub-section (1) of section 9 having—

- (a) refused to serve as a member, or
- (b) died, or
- (c) resigned his office as a member, or
- (d) ceased to be a member under clause (b) of the proviso to sub-section (4) of section 9, or
- (e) been removed from his office as a member under sub-section (2) of section 11,

the Chancellor shall appoint a person with the requisite qualifications to fill the vacancy.

(2) If a casual vacancy arises in the seat of any member appointed under clause (viii) or clause (ix) of sub-section (1) of section 9 for any of the reasons referred to in clause (a), (b), (c) or (e) of sub-section (1), such vacancy shall be filled by another person to be appointed by the Chancellor on the recommendation of the *Upacharya* of Visva-Bharati or of the President of the Rabindra Bharati Society, as the case may be.

(3) Any person appointed under sub-section (1) or sub-section (2) shall also hold office for a term of two years from the date of his appointment as a member, and the provisions of clauses (a) and (b) of the proviso to sub-section (4) of section 9 shall also apply to such member.

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*(Chapter II.—The University.—Section 13.—Chapter III.—
Officers of the University.—Sections 14—17.)*

13. No act or proceeding of the University or of any subordinate authority of the University shall be called in question or invalidated merely by reason of the existence of a vacancy or vacancies among its members or any member not having been duly appointed or having become disqualified.

Safeguard
against
invalida-
tion of
acts or
proceed-
ings of the
University.

CHAPTER III.

Officers of the University.

14. The following shall be the officers of the University :—

Officers
of the
University.

- (i) The Chancellor,
- (ii) The Vice-Chancellor,
- (iii) The Finance Officer,
- (iv) The Registrar, and
- (v) such other persons in the service of the University as the University may declare to be officers of the University.

15. The Governor of the State of West Bengal shall be the *ex-officio* Chancellor of the University and shall, when present, preside at meetings of the University including any convocation of the University.

The
Chancellor.

16. (1) The Vice-Chancellor of the University shall be appointed by the Chancellor in consultation with the Minister. He shall be paid from the University Fund such salary and other emoluments as the Chancellor may decide and shall hold office for four years.

The Vice-
Chancellor.

(2) If the Vice-Chancellor is, by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, the University may, subject to the approval of the Chancellor, appoint one of its members to exercise the powers and perform the duties of the Vice-Chancellor.

(3) If a vacancy occurs in the office of the Vice-Chancellor by reason of his resignation or death or the expiration of his term of office, the Chancellor shall appoint a new Vice-Chancellor and pending such appointment the University shall, subject to the approval of the Chancellor, appoint one of its members to exercise the powers and perform the duties of the Vice-Chancellor.

17. (1) The Vice-Chancellor shall be a whole-time officer of the University and shall be the administrative and academic head of the University. He shall, in the absence of the Chancellor, preside at meetings of the University

Powers
and duties
of the
Vice-
Chancellor.

[West Ben. Act

(Chapter III.—Officers of the University.—Sections 18, 19.)

including any convocation of the University. He shall be an *ex-officio* member and Chairman of such subordinate authorities constituted by the University as may be prescribed by Statutes and shall be entitled to be present at, and to address, any meeting of any other subordinate authority of the University but shall not be entitled to vote thereat.

(2) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act and the Statutes, Ordinances, Regulations and Rules made thereunder are duly observed and he shall exercise general control over the affairs of the University and exercise all such powers as may be necessary for this purpose.

(3) In any emergency which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, he may take such action as he may deem necessary and shall at the earliest opportunity report his action to the authority which would have ordinarily dealt with the matter :

Provided that where any such action taken by the Vice-Chancellor prejudicially affects any person in the service of the University, such person shall be entitled to prefer, within thirty days from the date on which he receives notice of such action, an appeal to the University and the decision of the University thereon shall be final.

is
cor.

18. (1) The Finance Officer shall be appointed by the University. He shall be a whole-time officer of the University and shall be paid such salary from the University Fund and shall hold office for such period as the University may decide.

(2) If the Finance Officer is by reason of leave, illness or other cause, unable to exercise the powers and perform the duties of his office, the University may appoint a person temporarily to exercise his powers and perform his duties.

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cor.

19. (1) The Finance Officer shall exercise general supervision over the University Fund and advise the University in regard to all financial matters concerning the University.

(2) The Finance Officer shall, subject to the control of the University, manage the property and investments of the University. He shall be responsible for the preparation of the annual budget and the annual accounts.

(3) Subject to the control of the University, the Finance Officer shall be responsible for seeing that all monies are expended for the purpose for which they have been granted or allotted.

(4) Save as may be otherwise prescribed by Statutes all contracts shall be signed by the Finance Officer on behalf of the University.

XXIX of 1961.]

*Chapter III.—Officers of the University.—Section 20.—
Chapter IV.—Statutes, Ordinances, Regulations and Rules.—
Section 21.)*

(5) The Finance Officer shall exercise such other powers as may be prescribed by Statutes.

20. (1) The Registrar shall be appointed by the University. He shall be a whole-time officer of the University and shall be paid such salary from the University Fund and shall hold office for such period as the University may decide.

The
Registrar.

(2) The Registrar shall exercise such powers and perform such duties as may be prescribed by Statutes.

(3) If the Registrar is, by reason of leave, illness or other cause, unable to exercise the powers and perform the duties of his office, the University may appoint a person temporarily to exercise his powers and perform his duties.

CHAPTER IV.

Statutes, Ordinances, Regulations and Rules.

21. (1) The University may make Statutes, Ordinances, Regulations and Rules for the purpose of duly carrying out the provisions of, or exercising the powers conferred on it by, this Act.

Statutes,
Ordinances,
Regulations
and
Rules—
how made.

(2) The University may delegate to a subordinate authority constituted by it the power to make Ordinances, Regulations or Rules to such extent as it may consider necessary and may, at any time, withdraw the power so delegated, or cancel any Ordinance, Regulation or Rule made by a subordinate authority.

(3) Every Statute or Ordinance made under this Act shall, before it is given effect to, be submitted to the Chancellor and shall be modified or amended in such manner as may be suggested by the Chancellor.

(4) The Chancellor may, at any time after an Ordinance has been made, signify to the University his disallowance of such Ordinance, and from the date of receipt by the University of intimation of such disallowance, such Ordinance shall cease to have effect.

(5) Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) the constitution, duties and powers of the subordinate authorities which may be constituted by the University ;

(b) the subordinate authorities of which the Vice-Chancellor shall be an *ex-officio* member and Chairman ;

[West Ben. Act

*(Chapter IV.—Statutes, Ordinances, Regulations and Rules.—
Section 21.)*

- (c) the filling of vacancies of members of the subordinate authorities and all other matters relating to those authorities ;
- (d) the appointment, conditions of service and powers and duties of the officers and other employees of the University other than the Chancellor and the Vice-Chancellor ;
- (e) the constitution of a pension, insurance or provident fund for the benefit of the officers, Teachers and other employees of the University ;
- (f) the conferment of honorary degrees, titles and other academic distinctions ;
- (g) the institution and conferment of degrees, diplomas, titles, certificates and other academic distinctions ;
- (h) the establishment and abolition of Faculties, Departments of Studies, institutions, including libraries, museums and other organisations ;
- (i) the maintenance of registers of institutions recognised by the University or affiliated to it ;
- (j) the maintenance of a register of heads of departments, not being Principals, of institutions established, maintained or managed by the University and the manner of determination of their seniority ;
- (k) the maintenance of a register of Principals of institutions affiliated to the University and the manner of determination of their seniority ;
- (l) the conditions under which institutions may be recognised by, or affiliated to, the University, and the withdrawal of such recognition or affiliation ;
- (m) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes ;
- (n) the calling of meetings of the University and the giving of notice thereof to the members of the University and the quorum and procedure at such meetings ;
- (o) contracts by the University and the execution thereof ;
- (p) annual report of the University ;
- (q) qualifications of Teachers including Teachers of the University ;
- (r) the fees to be charged for courses of study in the University and in institutions established, maintained or managed by the University and for admission to the examinations for degrees and diplomas of the University ;

XXIX of 1961.]

(Chapter IV.—Statutes, Ordinances, Regulations and Rules.—Section 21.)

- (s) the manner of exemption from study referred to in sub-clause (a) of clause (5) of section 6 ; and
- (t) all other matters which by or under this Act are or may be provided for by Statutes.

(6) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely :—

- (a) the admission of students to the University and their enrolment as such ;
- (b) the courses of study to be laid down for all degrees, diplomas and certificates of the University ;
- (c) the degrees, diplomas, titles, certificates and other academic distinctions to be awarded by the University, the qualifications for the same, and the examinations and papers, if any, to be passed and submitted relating to the granting and obtaining of the same ;
- (d) the conditions of the award of fellowships, scholarships, studentships, exhibitions, medals and prizes ;
- (e) the conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators ;
- (f) the maintenance of discipline among the students of the University and the institutions established, maintained, managed or recognised by, or affiliated to, the university ;
- (g) the conditions of residence of students at the University and the institutions established, maintained, managed or recognised by, or affiliated to, the University ;
- (h) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students, and the prescribing for them of special courses of study ;
- (i) the emoluments, and the terms and conditions of service of Teachers of the University ;
- (j) the management of institutions established or maintained by the University ;
- (k) the supervision and inspection of institutions established, maintained, managed or recognised by, or affiliated to, the University ; and
- (l) all other matters which by this Act or the Statutes are to be or may be provided by Ordinance.

[West Ben. Act**(Chapter V.—The University Fund, Annual Report and Accounts.—Sections 22—24.)**

(7) Subject to the other provisions of this Act and the provisions of the Statutes and the Ordinances, Regulations may be made to provide for all or any of the following matters :—

- (a) the procedure to be observed at the meetings of a subordinate authority and the number of members required to form a quorum ;
- (b) the calling of meetings of such subordinate authority and the giving of notice to its members of the dates of the meetings and of the business to be considered thereat and the keeping of a record of the proceedings of such meetings ;
- (c) matters which by this Act, the Statutes or the Ordinances are required to be prescribed by Regulations ; and
- (d) all other matters solely concerning a subordinate authority or a committee appointed by it and not provided for by this Act, the Statutes or the Ordinances.

(8) Subject to the provisions of this Act and the provisions of the Statutes, the Ordinances and the Regulations, Rules may be made for the purpose of duly carrying out the provisions of, or exercising the powers conferred by, this Act or to provide for matters which, by the Statutes the Ordinances or the Regulations, are required to be prescribed by Rules.

CHAPTER V.**The University Fund, Annual Report and Accounts.**

ind of
Uni-
sity.

22. (1) The University shall have a fund, elsewhere in this Act referred to as the University Fund.

(2) All monies received by the University by way of fees, fines, endowments, grants, donations, bequests or loans or on any other account whatsoever, shall be credited to, and all expenditure incurred by the University shall be paid out of, the University Fund.

nual
port.

23. The annual report of the University shall be prepared under the direction of such subordinate authority or officer and shall be submitted to the University on or before such date as may be prescribed by Statutes. The annual report shall be considered by the University at a meeting.

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counts
d
dget.

24. (1) As soon as may be after the close of a year, the accounts of the University for that year shall be audited by an auditor appointed by the State Government or in such other manner as the State Government may direct.

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(Chapter VI.—Supplementary Provisions.—Section 25.)

(2) The University shall consider the audited annual accounts at a meeting and may take such action thereon as it thinks fit.

(3) The budget for each year shall be presented to and considered by the University at a meeting convened for the purpose not less than one month before the end of the preceding year. The University may take such action thereon as it may deem fit.

(4) Copies of the budget as passed by the University and the audited accounts together with copies of the audit report shall be submitted to the Chancellor and to the State Government.

(5) The State Government may require the University to supply to it any information in regard to the accounts and the budget and the University shall comply with such requisition.

CHAPTER VI.

Supplementary Provisions.

25. (1) The Chancellor shall have the power to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories and equipments, and of any institution, and also of the examinations, teaching and other work conducted or done by the University, and may cause an inquiry to be made in like manner in respect of any matter connected with the University :

**Visit and
Inspection.**

Provided that the Chancellor shall, in every such case, give previous notice to the Vice-Chancellor.

(2) The Chancellor shall communicate to the Vice-Chancellor his views on the result of any such inspection or inquiry. The University shall consider such views at a meeting and communicate its opinion to the Chancellor. After considering such opinion, the Chancellor may give such advice as he thinks fit regarding the action to be taken on the result of the inspection or inquiry.

(3) The University shall report to the Chancellor the action, if any, which is proposed to be taken or has been taken by it upon the advice given under sub-section (2).

(4) If action be not taken within a reasonable time to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the University in this regard, issue such directions in writing as he may think fit and the University shall comply with these directions.

[West Ben. Act XXIX of 1961.]

(Chapter VI.—Supplementary Provisions.—Sections 26—29.)

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service
officers
l
chers.

26. Except as otherwise provided under this Act or the Statutes, every salaried officer, not being the Vice-Chancellor, and every Teacher of the University shall be appointed under a written contract which shall be lodged with the University and a copy thereof shall be furnished to the officer or Teacher concerned.

ard of
Arbitra-
tors.

27. Every dispute arising out of a contract between the University and any of its officers or Teachers shall be referred to a Board of Arbitrators consisting of one member appointed by the University, one member nominated by the officer or Teacher concerned and an umpire appointed by the Chancellor and the decision of the Board on such dispute shall be final, and no suit shall lie in any Civil Court in respect of the matters decided by the Board.

nsion
of pro-
vident
funds.

28. (1) The University shall constitute for the benefit of its salaried officers (including the Vice-Chancellor), Teachers and other servants, in such manner and subject to such conditions as may be prescribed by Statutes, such pension, insurance or provident funds as it may deem fit.

(2) Where a provident fund has been constituted by the University for the benefit of its officers, Teachers and other servants of the University, the provisions of the Provident Funds Act, 1925 shall apply to such fund as if the fund were a Government Provident Fund.

19 of 1925.

wer to
solve
difficulties.

29. If any difficulty arises with respect to the establishment of the University or any subordinate authority of the University or to the transaction of any business of the University, the Vice-Chancellor may refer the same to the Chancellor who may thereupon issue such direction or cause such action to be taken as appears to him to be necessary or expedient for resolving the difficulty.

West Bengal Act I of 1962¹

THE WEST BENGAL APPROPRIATION ACT, 1962.

[29th March, 1962.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1962.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1962 ;

It is hereby enacted in the Thirteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the West Bengal Appropriation Act, 1962. Short title.

2. From and out of the Consolidated Fund of West Bengal there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees eight crores, thirty lakhs, ninety thousand and five hundred and ninety-three towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1962, in respect of the services and purposes specified in column 2 of the Schedule. Issue of
Rupees
8,30,90,593
out of the
Consoli-
dated
Fund of
West
Bengal for
the year
1961-62.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1962. Appro-
priation.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 26th March, 1962, Part IVA, page 1384 ; for the proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 27th March, 1962 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 28th March, 1962.

(Schedule.)

SCHEDULE.

(See sections 2 and 3.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
1	4—Taxes on income other than Corporation Tax and Estate Duty.	26,000	...	26,000
2	7—Land Revenue ... ..	...	14,400	14,400
3	8—State Excise Duties	3,40,000	...	3,40,000
4	9—Stamps	2,52,750	...	2,52,750
5	10—Forest ... ..	...	24,114	24,114
6	11—Registration	88,000	...	88,000
8	12A—Sales Tax	84,000	3,000	87,000
9	13—Other Taxes and Duties	32,000	...	32,000
10	17—Interest on Irrigation Works (Commercial).	...	76,000	76,000
12	22—Interest on Debt and other obligations.	49,000	71,35,000	71,84,000
14	25—General Administration	33,63,000	30,000	33,93,000
15	27—Administration of Justice	5,99,000	62,000	6,61,000
17	29—Police	53,79,000	...	53,79,000
18	30—Ports and Pilotage	1,93,000	...	1,93,000
20	37—Education	1,76,39,800	122	1,76,39,922
21	38—Medical	22,73,000	2,750	22,75,750
22	39—Public Health	89,94,000	...	89,94,000
23	40—Agriculture—Agriculture ... ..	...	41	41
27	72—Capital Outlay on Industrial Development outside the Revenue Account.	1	...	1

1962.]

(Schedule.)

2	3		
Services and purposes.	Sums not exceeding		
	Voted by the Legis- lative Assembly.	Charged on the Consolidated Fund.	Total.
	Rs.	Rs.	Rs.
72—Capital Outlay on Industrial Develop- ment outside the Revenue Account— Cottage Industries.	1	...	1
47—Miscellaneous Departments—Fire Services.	...	12	12
50—Civil Works	10,00,000	1,37,000	11,37,000
54—Famine	3,08,28,000	3,000	3,08,31,000
54B—Privy Purses and Allowances of Indian Rulers.	2,000	...	2,000
55—Superannuation allowances and Pen- sions. }	8,66,400	4,600	8,71,000
83—Payments of commuted value of pensions. }			
Total—Grant No. 38	8,66,400	4,600	8,71,000
56—Stationery and Printing	55,000	...	55,000
57—Miscellaneous—Contributions	16,73,000	...	16,73,000
57—Miscellaneous—Other Miscellaneous Expenditure. }	2	56,600	56,602
82—Capital Account of other State works outside the Revenue Account. }			
Total—Grant No. 41	2	56,600	56,602

The West Bengal Appropriation Act, 1962.

[West Ben. Act 1 of 1962]

(Schedule.)

2	3		
Services and purposes.	Sums not exceeding		
	Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
	Rs.	Rs.	Rs.
22—Interest on Debt and other obligations—Expenditure on displaced persons.			
57—Miscellaneous—Expenditure on displaced persons.	...	3,50,000	3, 0,00
Public Debt—Loans for displaced persons.			
Total—Grant No. 42 ...	...	3,50,000	3,50,000
47A—Community Development Projects, National Extension Service and Local Development Works.	7,00,000	...	7,00,000
63—Extraordinary Charges in India ...	3,86,000	7,000	3,93,000
64C—Pre-partition Payments ...	2,00,000	...	2,00,000
85A—Capital Outlay on Schemes of Government Trading.	...	1,72,000	1,72,000
Grand Total ...	7,50,22,954	80,67,639	8,30,90,593

1962.]

(Schedule.)

2	3		
Services and purposes.	Sums not exceeding		
	Voted by the Legis- lative Assembly.	Charged on the Consolidated Fund.	Total.
	Rs.	Rs.	Rs.
72—Capital Outlay on Industrial Develop- ment outside the Revenue Account— Cottage Industries.	1	...	1
47—Miscellaneous Departments—Fire Services.	...	12	12
50—Civil Works	10,00,000	1,37,000	11,37,000
54—Famine	3,08,28,000	3,000	3,08,31,000
54B—Privy Purses and Allowances of Indian Rulers.	2,000	...	2,000
55—Superannuation allowances and Pen- sions. }	8,66,400	4,600	8,71,000
83—Payments of commuted value of pensions. }			
Total—Grant No. 38	8,66,400	4,600	8,71,000
56—Stationery and Printing	55,000	...	55,000
57—Miscellaneous—Contributions	16,73,000	...	16,73,000
57—Miscellaneous—Other Miscellaneous Expenditure. }	2	56,600	56,602
82—Capital Account of other State works outside the Revenue Account. }			
Total—Grant No. 41	2	56,600	56,602

(Schedule.)

SCHEDULE.

(See sections 2 and 3.)

1	2		
Services and purposes.	Sums not exceeding		
	Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
	Rs.	Rs.	Rs.
Collection of Taxes, Duties and Other Principal Revenues.			
Taxes on Income other than Corporation Tax.	2,90,000	2,000	2,92,0
Land Revenue ...	1,80,00,000	3,000	1,80,03,0
—Capital Account of Compensation on the abolition of Zamindari System outside the Revenue Account.			
Payment of compensation to Landholders, etc., on the abolition of the Zamindari System.	1,80,00,000	...	1,80,00,0
Collection of Taxes, Duties and Other Principal Revenues.			
State Excise Duties ...	21,00,000	...	21,00,00
Taxes on Vehicles ...	...	2,25,000	2,25,00
Sales Tax ...	13,00,000	3,000	13,03,00
Other Taxes and Duties ...	6,10,000	...	6,10,00
Stamps ...	5,00,000	...	5,00,00
Registration Fees ...	11,65,000	...	11,65,00
B—Debt Services.			
Interest on Debt and other obligations ...	30,80,000	3,13,50,000	3,33,30,00
Appropriation for Reduction or Avoidance of Debt.	...	...	...
C—Administrative Services.			
Parliament and State Legislatures ...	20,00,000	32,000	20,32,00
General Administration ...	1,58,00,000	4,70,000	1,62,70,00

(Schedule.)

1	2		
	Sums not exceeding		
Services and purposes.	Voted by the Legisla- tive Assembly.	Charged on the Consolidated Fund.	Total.
	Rs.	Rs.	Rs.
11—Administration of Justice ...	45,00,000	14,35,000	59,35,000
12—Jails	47,00,000	...	47,00,000
13—Police	4,11,00,000	2,000	4,11,02,000
16—Miscellaneous Departments—Fire Services.	18,25,000	...	18,25,000
6—Miscellaneous Departments—Excluding Fire Services.	80,00,000	5,000	80,05,000
D—Social and Developmental Services.			
7—Scientific Departments	82,000	...	82,000
8—Education	9,00,00,000	...	9,00,00,000
9—Medical	8,06,00,000	...	8,06,00,000
10—Public Health	1,51,00,000	...	1,51,00,000
1—Agriculture—Agriculture	8,22,00,000	...	8,22,00,000
D—Capital Account of Social and Develop- mental Services outside the Revenue Account.			
—Capital Outlay on Schemes of Agricultural Improvement and Research.	77,00,000	...	77,00,000
D—Social and Developmental Services.			
—Agriculture—Fisheries	20,40,000	...	20,40,000
—Animal Husbandry	40,00,000	...	40,00,000
Miscellaneous Capital Account outside the Revenue Account.			
1—Capital Outlay on Schemes of Government Trading—Greater Calcutta Milk Supply Scheme.	1,00,00,000	...	1,00,00,000
D—Social and Developmental Services.			
—Co-operation	80,50,000	...	80,50,000
—Industries—Industries	80,50,000	...	80,50,000

The West Bengal Appropriation (Vote on Account) Act, 1962.

[West Ben. A

(Schedule.)

1	2		
Services and purposes.	Sums not exceeding		
	Voted by the Legisla- tive Assembly.	Charged on the Consoli- dated Fund.	Total.
	Rs.	Rs.	Rs.
-Capital Account of Social and Developmental Services outside the Revenue Account.			
-Capital Outlay on Industrial Development	38,00,000	...	38,00,00
D--Social and Developmental Services,			
-Industries--Cottage Industries	75,00,000	...	75,00,00
-Capital Account of Social and Developmental Services outside the Revenue Account.			
-Capital Outlay on Industrial Development--Cottage Industries.	24,00,000	...	24,00,00
D--Social and Developmental Services.			
-Industries--Cinchona	19,00,000	...	19,00,00
B--Debt Services.			
-Interest on Debt and other obligations--Community Development Projects, National Extension Service and Local Development Works.	...	6,10,000	6,10,00
D--Social and Developmental Services.			
-Community Development Projects, National Extension Service and Local Development Works.	1,18,00,000	...	1,18,00,00
-Capital Account of Public Works (including Roads) and Schemes of Miscellaneous Public Improvements outside the Revenue Account.			
-Capital Outlay on Other Works--Community Development Projects, National Extension Service and Local Development Works.	12,00,000	...	12,00,00

[11 of 1962.]

(Schedule.)

1	2		
Services and purposes.	Sums not exceeding		
	Voted by the Legisla- tive Assembly.	Charged on the Consolidated Fund.	Total.
	Rs.	Rs.	Rs.
Public Debt.			
Loans for Community Development Projects, National Extension Service and Local Development Works.	...	13,50,000	13,50,000
Loans and Advances by State Government.			
Loans and Advances under Community Develop- ment Projects, National Extension Service and Local Development Works.	14,10,000	...	14,10,000
D—Social and Developmental Services.			
18—Labour and Employment ...	13,75,000	...	13,75,000
19—Miscellaneous Social and Developmental Organisations—Welfare of Scheduled Tribes and Castes and Other Backward Classes.	55,00,000	...	55,00,000
19—Miscellaneous Social and Developmental Orga- nisations—Excluding Welfare of Scheduled Tribes and Castes and Other Backward Classes.	33,00,000	...	33,00,000
F—Multipurpose River Schemes, Irrigation and Electricity Schemes.			
2—Multipurpose River Schemes ...	56,00,000	...	56,00,000
3—Irrigation, Navigation, Embankment and Drainage Works (Commercial).	21,00,000	...	21,00,000
4—Irrigation, Navigation, Embankment and Drainage Works (Non-Commercial).	1,15,00,000	...	1,15,00,000
E—Capital Account of Multipurpose River Schemes, Irrigation and Electricity Schemes outside the Revenue Account.			
8—Capital Outlay on Multipurpose River Schemes.	1,00,00,000	...	1,00,00,000
9—Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works (Commercial).	22,10,000	...	22,10,000
00—Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works (Non- Commercial).	25,70,000	...	25,70,000

(Schedule.)

1	2		
Services and purposes.	Sums not exceeding		
	Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
	Rs.	Rs.	Rs.
—Public Works (including Roads) and Schemes of Miscellaneous Public Improvements.			
3—Public Works	2,10,00,000	6,00,000	2,16,00,
—Transport and Communications (other than Roads).			
3—Ports and Pilotage	5,35,000	...	5,35,
I—Miscellaneous.			
1—Famine Relief	1,50,00,000	...	1,50,00,
5—Pensions and Other Retirement benefits.	74,00,000	1,00,000	75,00,
—Miscellaneous Capital Account outside the Revenue Account.			
10—Payments of Commuted Value of Pensions.	8,20,000	8,000	8,22,
I—Miscellaneous.			
1—Privy Purses and Allowances of Indian Rulers.	71,000	...	71,
1—Stationery and Printing	88,60,000	...	88,60,
1—Forest	71,00,000	...	71,00,
—Miscellaneous—Contributions ...	80,00,000	8,40,000	88,40,
—Miscellaneous—Other Miscellaneous Expenditure.	1,22,00,000	3,000	1,22,08,
F—Capital Account of Public Works (including Roads) and Schemes of Miscellaneous Public Improvements outside the Revenue Account.			
10—Capital Outlay on Other Works ...	5,85,00,000	85,000	5,85,85,0

[1 of 1962.]

(Schedule.)

1	2		
Services and purposes.	Sums not exceeding		
	Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
	Rs.	Rs.	Rs.
B—Debt Services.			
16—Interest on Debt and other obligations—Expenditure on displaced persons.	...	3,80,000	8,80,000
I—Miscellaneous.			
71—Miscellaneous—Expenditure on displaced persons	1,78,00,000	5,000	1,78,05,000
FF—Capital Account of Public Works (including Roads) and Schemes of Miscellaneous Public Improvements outside the Revenue Account.			
103—Capital Outlay on Other Works—Expenditure on displaced persons.	48,00,000	...	48,00,000
Public Debt.			
Loans for displaced persons ...	...	11,00,000	11,00,000
Loans and Advances by State Government.			
Loans and Advances to displaced persons ...	41,20,000	...	41,20,000
K—Extraordinary Items.			
77—Extraordinary Charges ...	...	...	...
78—Pre-partition Payments ...	21,000	...	21,000
EE—Capital Account of Multipurpose River Schemes, Irrigation and Electricity Schemes outside the Revenue Account.			
98—Capital Outlay on Multipurpose River Schemes—Damodar Valley Project.	8,10,00,000	...	8,10,00,000
FF—Capital Account of Public Works (including Roads) and Schemes of Miscellaneous Public Improvements outside the Revenue Account.			
103—Capital Outlay on Public Works ...	4,36 00,000	65,000	4,36,65,000

The West Bengal Appropriation (Vote on Account) Act, 1962.

[West Ben. Act II of 1962.]

(Schedule.)

1	2		
Services and purposes.	Sums not exceeding		
	Voted by the Legis- lative Assembly.	Charged on the Conso- lidated Fund.	Total.
	Rs.	Rs.	Rs.
-Capital Account of Transport and Commu- nications (other than Roads) outside the Revenue Account.			
-Capital Outlay on Road and Water Transport Schemes.	12,10,000	...	12,10,000
Miscellaneous Capital Account outside the Revenue Account.			
-Capital Outlay on Schemes of Government Trading.	1,50,00,000	...	1,50,00,000
Public Debt.			
Floating Debt	...	...	...
Sinking Debt	...	...	...
Loans from Central Government (excluding loans for Community Development Projects, etc., and displaced persons).	...	3,61,55,000	3,61,55,000
Foreign Loans	...	5,60,000	5,60,000
Grants and Advances by State Government.			
Grants and Advances by State Government.	5,80,75,000	...	5,80,75,000
Total	70,80,19,000	7,47,82,000	78,28,01,000

West Bengal Act V of 1962¹

THE COOCH BEHAR MUNICIPAL (AMENDMENT) ACT, 1962.

[10th April, 1962.]

An Act to amend the Cooch Behar Municipal Act, 1944.

Cooch
Behar Act
III of 1944.

WHEREAS it is expedient to amend the Cooch Behar Municipal Act, 1944, for the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Thirteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the Cooch Behar Municipal (Amendment) Act, 1962. Short title

2. For section 110 of the Cooch Behar Municipal Act, 1944 (hereinafter referred to as the said Act), the following section shall be substituted, namely :—

Substitu-
tion of new
section for
section 110
of Cooch
Behar Act
III of 1944

"Power of Commissioners to bring suits in the event of failure to realise tax, etc., by distress. 110. (1) In the event of failure to realise by distress and sale the whole or any part of any tax, toll, fee or rates the Commissioners may sue the persons liable to pay the same in any court of competent jurisdiction.

(2) Notwithstanding any decision of any court to the contrary, any proceeding instituted in accordance with the provisions of sections 104 to 109 and pending on the date of commencement of the Cooch Behar Municipal (Amendment) Act, 1962, may be continued after such commencement and any such proceeding, or any order made, anything done or any action taken therein, shall not, in any manner, be called in question merely on the ground that the Cooch Behar Municipal (Amendment) Act, 1962 was not in force when such proceeding was instituted, such order was made, such thing was done or such action was taken."

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, of the 26th February, 1962, Part IVA, page 994 ; for the proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 28th March, 1962 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 30th March, 1962.

352 *The Cooch Behar Municipal (Amendment) Act, 1962.*

[West Ben. Act V of 1962.]

(Section 3.)

real and
ings.

3. (1) The Cooch Behar Municipal (Amendment) Ordinance, 1961, is hereby repealed.

West B.
Ord. IX
1961.

(2) Anything done or any action taken under the said Act as amended by the Cooch Behar Municipal (Amendment) Ordinance, 1961, shall be deemed to have been validly done or taken under the said Act as amended by this Act, as if this Act had commenced on the 4th day of December, 1961.

West Bengal Act VI of 1962¹

THE BIHAR AND ORISSA MUNICIPAL (WEST BENGAL AMENDMENT) ACT, 1962.

[10th April, 1962.]

An Act to amend the Bihar and Orissa Municipal Act, 1922, in its application to West Bengal.

B. & O.
Act 7 of
1922.

WHEREAS it is expedient to amend the Bihar and Orissa Municipal Act, 1922, in its application to West Bengal, for the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Thirteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the Bihar and Orissa Municipal (West Bengal Amendment) Act, 1962. Short title

2. The Bihar and Orissa Municipal Act, 1922 (hereinafter referred to as the said Act), shall in its application to West Bengal, be amended for the purpose and in the manner hereinafter provided. Applica-
tion of the
Act.

3. For section 130 of the said Act, the following section shall be substituted, namely :— Substitu-
tion of new
section for
section 130
of Bihar
and Orissa
Act 7 of
1922.

“Power of Commission-
ers to bring suit in the
event of failure to realise
any tax as a public
demand.” 130. (1) In the event of failure to realise
as a public demand the whole or any
part of any tax the Commissioners
may sue the person liable to pay
the same in any court of competent
jurisdiction.

(2) Notwithstanding any decision of any court to the contrary, any proceeding instituted in accordance with the provisions of sections 124 to 129B and pending on the

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 26th February, 1962, Part IVA, page 992 ; for the proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 28th March, 1962 ; and for the proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 30th March, 1962.

354 *The Bihar and Orissa Municipal (West Bengal Amendment) Act, 1962.*

[West Ben. Act VI of 1962.]

(Section 4.)

date of commencement of the Bihar and Orissa Municipal (West Bengal Amendment) Act, 1962, may be continued after such commencement and any such proceeding, or any order made, anything done or any action taken therein, shall not, in any manner, be called in question merely on the ground that the Bihar and Orissa Municipal (West Bengal Amendment) Act, 1962, was not in force when such proceeding was instituted, such order was made, such thing was done or such action was taken."

Repeal and
savings.

4. (1) The Bihar and Orissa Municipal (West Bengal Amendment) Ordinance, 1961, is hereby repealed.

(2) Anything done or any action taken under the Bihar and Orissa Municipal Act, 1922, as amended by the said Ordinance shall be deemed to have been validly done or taken under the said Act as amended by this Act as if this Act had commenced on the 4th day of December, 1961.

West Ben
Ord. X of
1961.

B. & O.
Ord. 7 of
1962.

West Bengal Act VIII of 1962¹

THE TULSIRAM LAKSHMI DEVI JAISWAL HOSPITAL ACT, 1962.

[10th May, 1962.]

An Act to provide for the taking over of the Tulsiram Lakshmi Devi Jaiswal Hospital at Lillooah in the district of Howrah, by the State Government for the promotion of public health.

WHEREAS it is expedient to provide for the taking over of the Tulsiram Lakshmi Devi Jaiswal Hospital at Lillooah in the district of Howrah, by the State Government for the promotion of public health ;

It is hereby enacted in the Thirteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the Tulsiram Lakshmi Devi Jaiswal Hospital Act, 1962.

Short title
and com-
mence-
ment.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless the context otherwise requires,—

Definition

(a) “appointed day” means the date appointed under sub-section (2) of section 1 ;

(b) “the hospital” means the Tulsiram Lakshmi Devi Jaiswal Hospital at Lillooah in the district of Howrah, together with the lands specified in Part A of the Schedule excluding the Basu Memorial Leprosy Clinic and the lands appertaining thereto as specified in Part B of the Schedule.

3. As from the appointed day,—

Transfer.

(a) the possession of the hospital including all lands, buildings, erections and fixtures appertaining thereto and all furniture, equipments, stores, drugs, monies and other assets belonging to it shall stand transferred to the State Government ;

(b) the hospital shall be under the control and management of the State Government and shall be run by the State Government as a State hospital ;

¹For Statement of Objects and Reasons and the Financial Memorandum, see the *Calcutta Gazette, Extraordinary* of the 24th March, 1962, Part IVA, page 1322H ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 29th March, 1962 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 30th March, 1962.

[West Ben. Act

(Sections 4, 5.)

- (c) all debts and liabilities of the hospital shall be deemed to be debts and liabilities of the State Government and all contracts executed by or in favour of the authorities of the hospital for the purposes of the hospital shall be deemed to have been executed by or in favour of the State Government ;
- (d) the cost of management of the hospital together with all costs of improvement, expansion, extension, repairs, additions and alterations shall be borne by the State Government ;
- (e) persons in the full time employ of the hospital immediately before the appointed day shall be deemed to be employees of the State Government and the terms and conditions of their service shall be such as may be determined by the State Government having regard to the terms and conditions of their service as in force before that day.

noval
difficul-
.

4. If any difficulty arises in giving effect to the provisions of this Act or the rules made thereunder, the State Government may take such steps or issue such orders not inconsistent with this Act as it deems necessary for the removal of the difficulty.

vor to
ke rules.

5. The State Government may make rules for carrying out the purposes of this Act

VIII of 1962.]

(The Schedule.)

THE SCHEDULE.

[See section 2(b).]

Part A

Lands comprised in the Tulsiram Lakshmi Devi Jaiswal Hospital at Lillooah in the district of Howrah (including the lands appertaining to the Basu Memorial Leprosy Clinic) :—

Total area—27 bighas 2 cottas 3 chattacks 20 square feet consisting of Dag Nos. 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1235, 1097, 1096 (portion), 1061, 1062, 1063, 1064, 1090, 1091, 1092 and 1093 with J. L. No. 17 within Mouza Malipanchghora, P. S. Bally, bounded as follows :—

North—Ahmed Mamoojee Street and the lands bearing Dag Nos. 1096 (portion), 1095, 1094, 1060 and 1058 (portion).

East—Grand Trunk Road.

South—Kali Majumdar Road and the lands bearing Dag Nos. 1234 and 1089.

West—The lands bearing Dag Nos. 1057, 1095, 1065, 1084, 1085, 1089 and 1088 and Road berm of Kali Majumdar Road.

Part B

Lands appertaining to the Basu Memorial Leprosy Clinic situated within the precincts of the Tulsiram Lakshmi Devi Jaiswal Hospital :—

Total area—9 cottas 8 chattacks 5 square feet consisting of Dag Nos. 1097 and 1096 (portion) bounded as follows :—

North—Ahmed Mamoojee Street.

East—Dag No. 1203 appertaining to the hospital.

South—1096 (portion).

West—Dag Nos. 1057 and 1095.

West Bengal Act IX of 1962¹

THE WEST BENGAL APPROPRIATION (No. 2) ACT, 1962.

[16th August, 1962.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1963.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1963 ;

It is hereby enacted in the Thirteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the West Bengal Appropriation (No. 2) Act, 1962. Short title.

West. Ben.
Act II of
1962.

2. In addition to the sum of seventy-eight crores, twenty-eight lakhs and one thousand rupees authorised to be withdrawn and appropriated under the West Bengal Appropriation (Vote on Account) Act, 1962, there may be paid and applied from and out of the Consolidated Fund of West Bengal, sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees one hundred and ten crores, sixty-nine lakhs, ninety-four thousand and one towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1963, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of Rs 1,10,19,94,001 out of the Consolidated Fund of West Bengal for the year 1962-63, in addition to the sum already authorised to be withdrawn for that year.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1963.

Appropriation.

¹For the Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 1st August, 1962, Part IVA, page 2312 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 2nd August, 1962 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 2nd August, 1962.

(Schedule.)

SCHEDULE.

(See sections 2 and 3.)

1 Grant No.	2 Services and purposes.	3		
		Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	A—Collection of Taxes, Duties and Other Principal Revenues.			
1	4—Taxes on Income other than Corporation Tax.	4,06,000	...	4,06
	9—Land Revenue			
2	AA—Capital Account of Compensation on the abolition of Zamindari System outside the Revenue Account.	4,95,44,000	...	4,95,44
	92—Payment of compensation to Landholders, etc., on the abolition of the Zamindari System.			
	Total—Grant No. 2 ...	4,95,44,000	...	4,95,44
	A—Collection of Taxes, Duties and Other Principal Revenues.			
3	10—State Excise Duties ...	29,42,000	...	29,42
4	11—Taxes on Vehicles ...	...	2,25,000	2,25
5	12—Sales Tax ...	17,90,000	...	17,90
6	13—Other Taxes and Duties ...	8,53,000	...	8,53
7	14—Stamps ...	6,82,000	...	6,82
8	15—Registration Fees ...	16,24,000	...	16,24
	B—Debt Services.			
9	16—Interest on Debt and other obligations.	29,20,000	4,37,49,000	4,66,69
10	17—Appropriation for Reduction or Avoidance of Debt.	...	3,75,30,000	3,78,30

IX of 1962.]

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	C—Administrative Services.			
11	18—Parliament and State Legislatures.	13,63,000	45,000	14,08,000
12	19—General Administration ...	2,22,47,000	6,61,000	2,29,08,000
13	21—Administration of Justice ...	61,49,000	19,89,000	81,38,000
14	22—Jails ...	65,60,000	...	65,60,000
15	23—Police ...	5,78,15,000	...	5,78,15,000
16	26—Miscellaneous Departments—Fire Services.	25,50,000	...	25,50,000
17	26—Miscellaneous Departments—Excluding Fire Services.	1,09,17,000	...	1,09,17,000
	D—Social and Developmental Services.			
18	27—Scientific Departments ...	45,000	...	45,000
19	28—Education ...	12,38,13,000	...	12,38,13,000
20	29—Medical ...	4,22,55,000	...	4,22,55,000
21	30—Public Health ...	2,10,57,000	...	2,10,57,000
	31—Agriculture—Agriculture			
22	DD—Capital Account of Social and Developmental Services outside the Revenue Account.	5,56,36,000	...	5,56,36,000
	35—Capital Outlay on Schemes of Agricultural Improvement and Research.			
	Total—Grant No. 22 ...	5,56,36,000	...	5,56,36,000

(Schedule.)

1 Grant No.	2 Services and purposes.	3 Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	D—Social and Developmental Services.			
23	81—Agriculture—Fisheries ...	27,87,000	...	27,87,000
14	38—Animal Husbandry	66,92,000	...	66,92,000
	II—Miscellaneous Capital Account outside the Revenue Account.			
	124—Capital Outlay on Schemes of Government Trading—Greater Calcutta Milk Supply Scheme.			
	Total—Grant No. 24 ...	66,92,000	...	66,92,000
	D—Social and Developmental Services.			
25	34—Co-operation ...	42,74,000	...	42,74,000
6	35—Industries—Industries	1,58,74,000	...	1,58,74,000
	DD—Capital Account of Social and Developmental Services outside the Revenue Account.			
	96—Capital Outlay on Industrial Development.			
	Total—Grant No. 26 ...	1,58,74,000	...	1,58,74,000
	D—Social and Developmental Services			
7	85—Industries—Cottage Industries	1,37,95,000	...	1,37,95,000
	DD—Capital Account of Social and Developmental Services outside the Revenue Account.			
	96—Capital Outlay on Industrial Development—Cottage Industries.			
	Total—Grant No. 27 ...	1,37,95,000	...	1,37,95,000

IX of 1962.]

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
28	D—Social and Developmental Services. 35—Industries—Cinchona ...	26,49,000	...	26,49,000
	B—Debt Services.			
	16—Interest on Debt and other obligations—Community Development Projects, National Extension Service and Local Development Works.			
	D—Social and Developmental Services.			
	37—Community Development Projects, National Extension Service and Local Development Works.			
	FF—Capital Account of Public Works (including Roads) and Schemes of Miscellaneous Public Improvements outside the Revenue Account.			
29	109—Capital Outlay on Other Works—Community Development Projects, National Extension Service and Local Development Works.	2,01,51,000	27,10,000	2,28,61,000
	Public Debt.			
	Loans for Community Development Projects, National Extension Service and Local Development Works.			
	Loans and Advances by State Government.			
	Loans and Advances under Community Development Projects, National Extension Service and Local Development Works.			
	Total—Grant No. 29 ...	2,01,51,000	27,10,000	2,28,61,000

(Schedule.)

1	2	3		
Seri- al No.	Services and purposes.	Sums not exceeding		
		Voted by the Legis- lative Assembly.	Charged on the Consolid- ated Fund.	Total.
		Rs.	Rs.	Rs.
	D—Social and Developmental Services.			
30	38—Labour and Employment ...	19,24,000	...	19,24,000
31	39—Miscellaneous Social and Developmental Organisations—Welfare of Scheduled Tribes and Castes and Other Backward Classes.	76,16,000	...	76,16,000
32	39—Miscellaneous Social and Developmental Organisations—excluding Welfare of Scheduled Tribes and Castes and Other Backward Classes.	46,28,000	...	46,28,000
	E—Multipurpose River Schemes, Irrigation and Electricity Schemes.			
	42—Multipurpose River Schemes			
	43—Irrigation, Navigation, Embankment and Drainage Works (Commercial).			
	44—Irrigation, Navigation, Embankment and Drainage Works (Non-Commercial).			
33	EE—Capital Account of Multipurpose River Schemes, Irrigation and Electricity Schemes outside the Revenue Account.	4,75,68,000	...	4,75,68,000
	98—Capital Outlay on Multipurpose River Schemes.			
	99—Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works (Commercial).			
	100—Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works (Non-Commercial).			
	Total—Grant No. 33 ...	4,75,68,000	...	4,75,68,000

[X of 1962.]

(Schedule.)

1	2	3		
		Sums not exceeding		
Grant No.	Services and purposes.	Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	F—Public Works (including Roads) and Schemes of Miscellaneous Public Improvements.			
34	50—Public Works ...	2,89,6,000	8,31,000	2,97,67,000
	G—Transport and Communications (Other than Roads).			
35	53—Ports and Pilotage ...	7 44 000	...	7,44,000
	I—Miscellaneous.			
36	64—Famine Relief ...	1,05,62,000	...	1,05,62,000
	65—Pensions and Other Retirement benefits.			
37	II—Miscellaneous Capital Account outside the Revenue Account.	1,05,77,030	1,29,000	1,07,06,000
	120—Payments of Commuted Value of Pensions.			
	Total—Grant No. 37 ...	1,05,77,000	1,29,000	1,07,06,000
	I—Miscellaneous.			
38	67—Privy Purses and Allowances of Indian Rulers.	99,000	...	99,000
39	68—Stationery and Printing ...	54,07,000	...	54,07,000
40	70—Forest ...	99,21,000	...	99,21,000
41	71—Miscellaneous—Contributions	1,09,12,000	4,63,000	1,13,75,000
	71—Miscellaneous—Other Miscellaneous Expenditure.			
25	FF—Capital Account of Public Works (including Roads) and Schemes of Miscellaneous Public Improvements outside the Revenue Account.	9,85,79,000	1,15,000	9,86,94,000
	109—Capital Outlay on Other Works			
	Total—Grant No. 42 ...	9,85,79,000	1,15,000	9,86 94 030

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	B—Debt Services.			
	16—Interest on Debt and Other Obligations— Expenditure on displaced persons.			
	I—Miscellaneous.			
	71—Miscellaneous—Expenditure on displaced persons.			
43	FF—Capital Account of Public Works (including Roads) and Schemes of Miscellaneous Public Improvements outside the Revenue Account.	60,71,000	20,56,000	81,27,000
	109—Capital Outlay on Other Works—Ex- penditure on displaced persons.			
	Public Debt.			
	Loans for displaced persons ...			
	Loans and Advances by State Government.			
	Loans and Advances to displaced persons.			
	Total—Grant No. 43 ...	60,71,000	20,56,000	81,27,000
	K—Extraordinary Items.			
44	78—Pre-partition Payments ...	29,000	...	29,000
	EE—Capital Account of Multipurpose River Schemes, Irrigation, and Electricity Schemes outside the Revenue Account.			
45	98—Capital Outlay on Multipurpose River Schemes—Damodar Valley Project.	4,26,94,000	...	4,26,94,000
	FF—Capital Account of Public Works (includ- ing Roads) and Schemes of Miscel- laneous Public Improvements outside the Revenue Account.			
46	103—Capital Outlay on Public Works.	6,10,37,000	90,000	6,11,27,000

IX of 1962.]

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolid- ated Fund.	Total.
		Rs.	Rs.	Rs.
	GG—Capital Account of Transport and Communications (Other than Roads) outside the Revenue Account.			
48	114—Capital Outlay on Road and Water Transport Schemes.	16,90,000	...	16,90,000
	II—Miscellaneous, Capital Account outside the Revenue Account.			
49	134—Capital Outlay on Schemes of Government Trading.	1	...	1
	Public Debt.			
	Permanent Debt			
	Floating Debt			
50	Loans from Central Government (excluding loans for Community Development Projects, etc., and displaced persons).	...	10,89,09,000	10,89,09,000
	Other loans			
	Total—Grant No. 50 ...	...	10,89,09,000	10,89,09,000
	Loans and Advances by State Government.			
51	Loans and Advances by State Government.	8,18,08,000	...	8,18,08,000
	Grand Total ...	90,71,92,001	19,98,02,000	1,10,69,94,001

West Bengal Act XI of 1962¹

THE WEST BENGAL HOME GUARDS ACT, 1962.

[14th December, 1962.]

An Act to provide for the constitution of Home Guards in West Bengal.

WHEREAS it is necessary to provide for the constitution of Home Guards in West Bengal ;

It is hereby enacted in the Thirteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the West Bengal Home Guards Act, 1962. Short title and extent,

(2) It extends to the whole of West Bengal.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions,

Act
1866.
Act
1866.

(1) "Calcutta" means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866 together with the suburbs of the town of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866 ;

Act
1864.

(2) "district" means a *Zila* referred to in the Bengal Districts Act, 1864, but does not, in the case of the district of 24-Parganas, include any area comprised in the suburbs of the town of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866 ;

(3) "Home Guard" means a Home Guard constituted under section 3.

3. The Superintendent of Police in a district or the Commissioner of Police in Calcutta may constitute for the district or Calcutta, as the case may be, a body to be called the Home Guards, the members of which shall discharge such functions in relation to the protection of persons, the security of property or the public safety as may be assigned to them in accordance with the provisions of this Act and the rules made thereunder. Constitution of Home Guards.

¹For the Statement of Objects and Reasons and the Financial Memorandum, see the *Calcutta Gazette, Extraordinary* of the 14th November, 1962, Part IV A, page 3451 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 21st November, 1962 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 22nd November, 1962.

(Sections 4—9.)

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4. The Superintendent of Police in a district or the Commissioner of Police in Calcutta may appoint as members of the Home Guard so many persons, who are fit and willing to serve as such, as he is authorised by the State Government to appoint and may appoint any such member to any office of command in the Home Guard.

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5. The Superintendent of Police in a district or the Commissioner of Police in Calcutta may at any time call out a member of the Home Guard for training or to discharge any of the functions assigned to the Home Guard in accordance with the provisions of this Act and the rules made thereunder.

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6. (1) A member of the Home Guard when called out under section 5 shall have the same powers, privileges and protection as an officer of police appointed under any Act for the time being in force.

(2) No prosecution shall be instituted against a member of the Home Guard in respect of anything done or purporting to be done by him in the discharge of his functions as such member, except with the previous sanction in a district of the District Magistrate, or in Calcutta of the Commissioner of Police.

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7. The members of the Home Guard when called out under section 5 directly in aid of the police force shall be under the control of the officers of such force, in such manner and to such extent as may be prescribed by rules made under section 9.

nally.

8. If any member of a Home Guard, on being called out under section 5, without sufficient excuse neglects or refuses to obey such order or to discharge his functions as a member of the Home Guard or to obey any lawful order or direction given to him for the performance of his duties, he shall, on conviction by a competent Court, be punishable with fine which may extend to fifty rupees.

ilos.

9. The State Government may make ¹rules consistent with this Act providing for :—

(a) the exercise of control by officers of the police force over members of the Home Guard when acting directly in aid of the police force ;

(b) the organisation, appointment, training, conditions of service, duties, discipline, arms, accoutrements and clothing of members of the Home Guard and the manner in which they may be called out for service ;

¹For the West Bengal Home Guards Rules, 1962, see notification No. 4583-Pl., dated the 18th November, 1962, published in the *Calcutta Gazette, Extraordinary* of 1962, Part I, pages 3435-3438, as subsequently amended from time to time.

XI of 1962.]

(Section 10.)

- (c) allowances, if any, payable to the members of the Home Guard and the conditions subject to which such allowances may be paid ;
- (d) conferment on members of the Home Guard of such powers exercisable by a police officer or such other person under any Central or State Act for the time being in force as the State Government may think fit ;
- (e) generally giving effect to the provisions of this Act.

West Ben.
Ord. XI of
1962.

10. (1) The West Bengal Home Guards Ordinance, 1962, is hereby repealed.

Repeal and
savings.

(2) Anything done or any action taken under the West Bengal Home Guards Ordinance, 1962, shall be deemed to have been validly done or taken under this Act as if this Act had commenced on the 11th day of November, 1962.

West Bengal Act XII of 1962¹

THE NATIONAL DEFENCE FUND (WEST BENGAL COLLECTION) ACT, 1962.

[14th December, 1962.]

An Act to prohibit unauthorised collection in West Bengal for the National Defence Fund.

WHEREAS it is necessary to prohibit unauthorised collection in West Bengal for the National Defence Fund ;

It is hereby enacted in the Thirteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

- | | |
|---|--|
| 1. (1) This Act may be called the National Defence Fund (West Bengal Collection) Act, 1962. | Short title and extent. |
| (2) It extends to the whole of West Bengal. | |
| 2. In this Act, unless there is anything repugnant in the subject or context,— | Definitions. |
| (1) “collection” means collection in West Bengal of any money or valuable thing ; | |
| (2) “the Fund” means the National Defence Fund created by the Central Government for purposes relating to the defence of India. | |
| 3. No collection shall be made for the fund except by persons or institutions duly authorised by the State Government | Prohibition of collection by unauthorised persons. |

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 14th November, 1962, Part IV A, page 3447 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 21st November, 1962 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 22nd November, 1962.

²(a) For Order rescinding Order No. 4549Pl., dated the 12th November, 1962, published in the *Calcutta, Gazette, Extraordinary* of 12.11.62, authorising certain persons and institutions to make collections for the fund, see Order No. 498Pl./ND-131/63, dated the 7th February, 1963, published in the *Calcutta Gazette* of 1964, Part I, page 537.

(i) For Order authorising all District Magistrates, Secretaries of District Citizens' Committees and certain Banks, see Order No. 490Pl., dated 7th February, 1964, published in the *Calcutta Gazette* of 1964, Part I, page 537.

(c) For Order authorising persons and institutions to make collections, for the fund, see Order No. 1633Pl./ND-131/64, dated 17th April, 1964, Part I, pages 1025-1026.

(d) For Notification under sec. 3 of the National Defence Fund (West Bengal Collection) Ordinance, 1962 exempting from the provisions of sec. 3 and sec. 4 of the Ordinance clubs, associations, or institutions making collections for the National Defence Fund by means of dramatic, cinematograph, cultural or other performances of any kind and variety shows, see notification No. 4560 Pl., dated 18.11.62, published in the *Calcutta Gazette, Extraordinary* of 1962, Part I, page 3433, as amended by notification No. 5369 Pl., dated 22.12.62, issued under sec. 10, read with sec. 11(2) of this Act, and published under notification No. 5369Pl., dt. 22.12.62., in the *Calcutta Gazette, Extraordinary* of 1962, Part I, pages 4057-4058.

374 *The National Defence Fund (West Bengal Collection) Act, 1962.*

[West Ben. Act XII of 1962.]

(Sections 4—11.)

by order made in this behalf or by their authorised agents :

Provided that the State Government may, by order, exempt any person or institution or class of persons or institutions from the provisions of this section.

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4. No collection shall be made except in accordance with such procedure and subject to such conditions as may be prescribed by rules made in this behalf :

Provided that the State Government may, by order, grant exemption to any person or institution from the provisions of this section.

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street
collection.

5. No person or institution not specially authorised in this behalf by the State Government or by any officer empowered by the State Government, shall make any street collection for the fund.

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6. All collections for the fund made by persons or institutions authorised or exempted under section 3 or authorised under section 5 shall be made over by the persons or institutions making the collections to such officers, other persons or Bahks as may be specified by the State Government by order made in this behalf.

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7. Any person making or aiding in any collection for the fund except in accordance with the provisions of this Act shall be liable on conviction to imprisonment which may extend to three years or with fine or with both.

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8. An offence punishable under section 7 shall be cognizable.

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9. Nothing in this Act shall affect contributions voluntarily made over or remitted to any person in authority, or any Bank authorised by the Central Government or the State Government to receive such contributions.

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10. The State Government may make rules to carry out the purposes of this Act.

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11. (1) The National Defence Fund (West Bengal Collection) Ordinance, 1962, is hereby repealed.

West Ben.
Ord. X of
1962.

(2) Anything done or any action taken under the National Defence Fund (West Bengal Collection) Ordinance, 1962, shall be deemed to have been validly done or taken under this Act as if this Act had commenced on the 11th day of November, 1962.

West Bengal Act XIII of 1962¹

THE WEST BENGAL PUBLIC LAND (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1962.

[14th December, 1962.]

AMENDED West Ben. Act XXXVI of 1963.

An Act to provide for the speedy eviction of unauthorised occupants from public lands.

WHEREAS it is expedient to provide for the speedy eviction of unauthorised occupants from public lands ;

It is hereby enacted in the Thirteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962. Short title and extent.

(2) It extends to the whole of West Bengal.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) "Collector" means—

(a) in Calcutta, the Land Acquisition Collector, Calcutta, and

(b) elsewhere, the Chief Officer in charge of the revenue administration of the district, and includes ¹[an Additional District Magistrate, a Subdivisional Magistrate, and] any [Officer, not below the rank of a Magistrate of the first class,] specially appointed by the State Government to perform all or any of the functions of a Collector under this Act ;

Explanation.—In this clause "Calcutta" has the same meaning as in the Calcutta Municipal Act, 1951.

(2) "land" includes buildings and other things attached to the earth or permanently fastened to things attached to the earth ;

(3) "notification" means a notification published in the *Official Gazette* ;

West Ben.
Act
XXXIII
of 1951.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 5th November, 1962, Part IV A, page 3225 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 20th November, 1962 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 22nd November, 1962.

²These words were inserted by sec. 2(1) of the West Bengal Public Land (Eviction of Unauthorised Occupants) (Amendment) Act, 1963 (West Ben. Act XXXVI of 1963).

376 *The West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962.*

[West Ben. Act

(Section 3.)

¹(4) "owner" means—

- (a) in relation to any land belonging to, or taken on lease by, or requisitioned by or on behalf of, the State Government, that Government, and
- (b) in relation to any land belonging to, or taken on lease by, a local authority, company or corporation, such local authority, company or corporation, as the case may be ;
- (5) "person concerned" in relation to any public land, means any person who is in the use or occupation of the public land ;
- (6) "prescribed" means prescribed by rules made under this Act ;

²(7) "public land" means any land belonging to, or taken on lease by, the State Government, a local authority, a Government company or a corporation owned or controlled by the Central or the State Government and includes any land requisitioned by, or on behalf of, the State Government, but does not include a Government road or a highway within the meaning of the Bengal Highways Act, 1925, or any other law for the time being in force on the subject ;

Ben. Act
III of
1925.

Explanation.—In this clause "Government company" means a Government company within the meaning of section 617 of the Companies Act, 1956.

Act I of
1956.

(8) "unauthorised occupation", in relation to any public land means the use or occupation by any person of the public land without authority in writing by or on behalf of the owner thereof ³[and includes the continued use or occupation of any such land on the expiry or termination of such authority.]

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3. (1) If, in respect of any public land, the Collector is of opinion, upon application made by an officer of the owner of the public land authorised in this behalf by such owner or upon information received otherwise, that the public land is in the unauthorised occupation of any person or persons, the Collector shall issue ⁴[a notice in such form and containing such particulars as may be prescribed calling upon all persons concerned] to show cause before such date, not being less than fifteen days

¹Substituted for the existing clause (4) by sec. 2(2) of the West Bengal Public Land (Eviction of Unauthorised Occupant) Act, 1969 (West Ben. Act XXXVI of 1969).

²Substituted for the existing clause (7) by sec. 2(3), *ibid.*

³These words were added by sec. 2(4), *ibid.*

⁴Substituted for the words "a notice calling upon all persons concerned" by sec. 3, *ibid.*

**The West Bengal Public Land (Eviction of Unauthorised
Occupants) Act, 1962.**

XIII of 1962.]

(Section 4.)

after the date of the notice, as may be specified in the notice why an order under clause (a) of sub-section (1) of section 4 should not be made, and shall cause it to be served in the manner referred to in sub-section (2). Intimation of the date so specified shall be given to the owner of the public land and to its officer authorised under this sub-section.

(2) A notice issued under sub-section (1) shall be served by affixing it on a conspicuous part of the public land concerned and in such other manner as may be prescribed.

(3) A notice served in the manner referred to in sub-section (2) shall be deemed to have been duly served.

[¹4. (1) If after considering the cause, if any, shown by any person in pursuance of a notice issued under section 3 and any evidence adduced in support thereof, and any evidence which may be adduced by the owner and after making such further inquiry, if any, as he deems necessary,—

Order of
eviction of
persons in
unauthor-
ised
occupation
from public
land.

(a) the Collector is satisfied that no *bona fide* dispute regarding title to the public land exists and that the public land is in unauthorised occupation, he shall make an order of eviction directing all persons in such unauthorised occupation to vacate the public land and deliver possession thereof to the owner within such time as may be specified in the order ; or

(b) the Collector is satisfied that any person concerned is not in unauthorised occupation of the public land or is of opinion that a *bona fide* dispute regarding title to the public land exists, he shall make an order cancelling the proceedings and referring the parties to the civil court.

(2) For the purpose of making an inquiry referred to in sub-section (1), the Collector, or any person authorised by him in this behalf, may—

(a) enter upon the public land and inspect, measure or demarcate the same at any time between sunrise and sunset ; and

(b) require, in such manner as may be prescribed, all persons concerned or any other person to furnish information relating to the names and other particulars of the persons concerned and the persons concerned or any other person so required shall be bound to furnish such information.

(3) The Collector shall cause a copy of the order made under clause (a) of sub-section (1) to be served in the manner referred to in sub-section (2) of section 3.

¹This section 4 was substituted for original sec. 4 by sec. 4 of the West Bengal Public Land (Eviction of Unauthorised Occupants) (Amendment) Act, 1963 (West Ben. Act XXXVI of 1963).

378 *The West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962.*

[West Ben. Act

(Sections 4A—6.)

power to
recover
damages.

¹4A. When an order of eviction has been made under clause (a) of sub-section (1) of section 4 in respect of any public land, the Collector may, upon application made by an officer of the owner of the public land authorised in this behalf by the owner, make an order directing any person who is, or has at any time been, in unauthorised occupation of the public land to pay for the period during which he has or had been in such occupation, damages at such rate, not exceeding double the rate of rent prevailing for similar lands with similar advantages in the vicinity, as may be prescribed, within such time as may be specified in the order :

Provided that no such order shall be made against any person without giving him an opportunity of showing cause against the order proposed to be made.

Collector's
power to
enforce
delivery of
possession
of evicting
unauthorised
occupant.

5. (1) If, in respect of any public land or part thereof, any person concerned refuses or fails to comply with an order made under sub-clause (i) of clause (a) of sub-section (1) of section 4 within the time specified in the order or within such further time as the Collector may allow, then the Collector shall,—

(a) if a Magistrate, enforce delivery of possession of such public land or part to the owner after evicting the person concerned, or

(b) if not a Magistrate, apply to a Magistrate, or, in Calcutta as defined in section 3 of the Calcutta Police Act, 1866, to the Commissioner of Police, Calcutta and such Magistrate or Commissioner of Police, as the case may be, shall enforce delivery of possession of such public land or part to the owner after evicting the person concerned.

B-n. Act
VI of 1866

(2) The costs of enforcing such delivery of possession after evicting the person concerned shall be payable by the person concerned within such time as the Collector may, by order, direct.

Damages
and costs
recoverable
as public
demand.

6. Any sum payable by any person as damages or costs under an order of the Collector under this Act shall be recoverable as a public demand.

6A
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¹This section 4A was substituted for original sec. 4 by sec. 4 of the West Bengal Public Land (Eviction of Unauthorised Occupants) (Amendment) Act, 1963 (West Ben. Act XXXVI of 1963).

The West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962.

XIII of 1962.]

(Sections 7—9.)

7. An appeal from an order made under this Act shall lie **Appeal.**

(a) the Commissioner of the Division, where the order is made by the Collector, and

(b) the Collector, where the order is made by any officer specially appointed under sub-clause (b) of clause (1) of section 2,

to be preferred within thirty days from the date of the order appealed against and the decision of the Commissioner or the Collector, as the case may be, on such appeal shall be final.

Explanation.—In this section “Collector” does not include an officer specially appointed under sub-clause (b) of clause (1) of section 2.

17A. (1) Whoever wilfully obstructs the Collector or any person authorised by him in doing any of the acts authorised by sub-section (2) of section 4, shall, on conviction before a Magistrate, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both. **Penalty for obstructing Collector or person authorised by Collector.**

(2) An offence punishable under sub-section (1) shall be cognizable and bailable.

8. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder. **Indemnity.**

9. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act. **Power to make rules.**

(2) In particular and without prejudice to the generality of the foregoing power the State Government may make rules with respect to all or any of the following matters, namely :—

(a) the forms and the manner of service of notices under this Act ;

(b) the procedure to be followed and the fees, if any, payable in appeals under section 7 ;

(c) any other matter which may be or is required to be prescribed.

¹Inserted by sec. 5 of the West Bengal Public Land (Eviction of Unauthorised Occupants) (Amendment) Act, 1963 (West Ben. Act XXXVI of 1963).

²For the West Bengal Public Land (Eviction of Unauthorised Occupants) Rules, 1963, see notification No. 3666 L. Ref., dated the 7th March, 1963, published in the *Official Gazette, Extraordinary* of 1963, Part I, pages 539-540, as subsequently amended.

380 *The West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962.*

[West Ben. Act XIII of 1962.]

(Sections 10, 11.)

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10. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any law for the time being in force other than the Indian Penal Code or the Code of Criminal Procedure, 1898, but shall not apply in respect of the use or occupation of any public land by a displaced person as defined in clause (1) of section 2 of the Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land Act, 1951, in respect of which an application for eviction has been entertained under sub-section (1) of section 3 of that Act.

Act XL
of 1860.
Act V of
1898.

West Ben.
Act XV
of 1951.

repeal and
amendments.

11. (1) The West Bengal Public Land (Eviction of Unauthorised Occupants) Ordinance, 1962, is hereby repealed.

West Ben.
Ord. VI
1962.

(2) Anything done or any action taken under the said Ordinance shall be deemed to have been validly done or taken under this Act as if this Act had commenced on the 8th day of September, 1962.

West Bengal Act XVIII of 1962¹

THE WEST BENGAL BHUDAN YAGNA ACT, 1962.

AMENDED West Ben. Act II of 1964.

[17th December, 1962.]

An Act to provide for dealing with lands donated by people in pursuance of Bhudan Yagna as initiated by Acharya Vinoba Bhave and matters ancillary thereto ;

WHEREAS it is expedient to provide for dealing with lands donated by people in pursuance of *Bhudan Yagna* as initiated by Acharya Vinoba Bhave and matters ancillary thereto ;

It is hereby enacted in the Thirteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the West Bengal *Bhudan Yagna* Act, 1962.

Short title,
extent and
application.

(2) It extends to the whole of West Bengal.

(3) It shall apply to such area or areas with effect from such ²date or dates as the State Government may, by notification in the *Official Gazette*, specify in this behalf and different dates may be specified in respect of different areas.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(1) "*Bhudan Yagna*" means the movement initiated by Acharya Vinoba Bhave for the encouragement of voluntary donation of land for distribution to landless persons ;

(2) "Board" means the West Bengal *Bhudan Yagna* Board constituted under section 3 ;

(3) "land" means land used for purposes of agriculture or horticulture or purposes incidental thereto, and includes waste land ;

(4) "landless persons" includes a person owning land not exceeding such limit as may be prescribed ;

(5) "prescribed" means prescribed by rules made under this Act.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 15th November, 1962, Part IVA, page 3464 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of that Assembly held on the 20th November, 1962 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 22nd November, 1962.

²The 1st day of April, 1964, was specified as the date with effect from which the Act shall apply to all the areas of the territories transferred from the State of Bihar to the State of West Bengal under the Bihar and West Bengal (Transfer of Territories) Act, 1956 (40 of 1956). Vide notification No. 5336L. Ref., dated the 26th March, 1964, published in the *Calcutta, Gazette, Extraordinary* dated 30th March, 1964, Part I, page 855.

[West Ben. Act

(Sections 3—6.)

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3. (1) The State Government shall, by notification in the *Official Gazette*,¹ establish a Board to be called the "West Bengal *Bhudan Yagna* Board" consisting of such number of members as it may think fit for carrying out the purposes of this Act.

(2) A majority of the members of the Board shall be nominated by Acharya Vinoba Bhave.

(3) The Board shall be a body corporate having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to enter into contracts and to do all acts necessary and consistent with the purposes of this Act and shall sue and be sued by the name referred to in sub-section (1).

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4. (1) The Board shall appoint a Secretary and such other staff as it may consider necessary for carrying out the purposes of this Act on such remuneration and on such terms and conditions as may be prescribed.

(2) The Board shall have a fund to be called the "West Bengal *Bhudan Yagna* Fund" and all monies received by the Board on any account whatsoever shall be credited to, and all expenditure incurred by the Board shall be paid out of, such fund.

(3) The accounts of the West Bengal *Bhudan Yagna* Fund shall be kept and audited in such manner as may be prescribed.

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5. Any person who donated any land before the coming into operation of the West Bengal *Bhudan Yagna* Ordinance, 1962, or desires to donate any land in pursuance of *Bhudan Yagna* shall furnish to the Board all particulars in respect of such land specifically mentioning,—

West Ben.
Ord VII
of 1962.

(a) the right, title and interest of such person in the land,

(b) the nature and extent of encumbrances, if any, to which the land is subject, and

(c) whether any rent, revenue, cess or tax in respect of the land is outstanding or not.

g 6. (1) On receipt of the particulars referred to in section 5, the Board shall refer the same to an Officer having jurisdiction over the area in which the land concerned is situated specially² appointed by the State Government in this behalf and thereupon the Officer shall,

¹The West Bengal *Bhudan Yagna* Board was established under notification No. 8946L. Ref., dated 31.5.63, published in the *Calcutta Gazette, Extraordinary*, dated 1.6.63, Part I, pages 1443-1444.

²For appointment of officers specified for the purposes of sub-section (1) of section 6 of the Act within the areas mentioned, see notification No. 6000L. Ref., dated 4th April, 1964, published in the *Calcutta Gazette, Extraordinary* of 1964, Part I, page 918.

XVIII of 1962.]

(Sections 7—9.)

if he is satisfied, after giving, in such manner as may be prescribed, public notice of his intention so to do, and after making such enquiry, if any, as he may think fit, that the donor has good title to the land and that the land is free from encumbrances, make a vesting order, and shall, after the expiry of the period of appeal or, if an appeal be filed, after the disposal thereof confirming the vesting order, send such vesting order to the Registering Officer having jurisdiction over the area in which the land is situated for registration thereof.

(2) The Registering Officer shall on receipt of a vesting order sent by the Officer under sub-section (1) register the same.

(3) On registration of any vesting order under sub-section (2), the right, title and interest of the person donating the land in respect of which the vesting order is made shall vest in the Board and the Board shall hold the land so vested on such terms, conditions and restrictions as may be prescribed :

Provided that if any rent, revenue, cess or tax in respect of such land be in arrears at the time when the same is donated, the person donating the land, and not the Board, shall remain liable to pay such arrears.

7. An appeal from a vesting order made under sub-section (1) of section 6, shall lie, if preferred within thirty days from the date of the vesting order, to the Munsif having jurisdiction over the area within which the land in respect of which the vesting order is made is situated and the Munsif shall dispose of such appeal by an order either confirming the vesting order or setting it aside :

Appeal.

Provided that no such order in appeal shall be passed without giving the party or parties prejudicially affected thereby an opportunity of being heard.

8. (1) The Board may settle on such terms, conditions and restrictions as may be prescribed, any land vested in it under sub-section (3) of section 6 with landless persons residing within the area within which such land is situated.

Settlement of donated land.

(2) When the possession of any land donated by any person in pursuance of *Bhudan Yagna* is made over to the Board by the donor before a vesting order in respect of the land is made under sub-section (1) of section 6, the Board shall be competent to make provisional settlement of the land on such terms and conditions as it may think fit with landless persons residing within the area within which the land is situated.

9. Notwithstanding anything to the contrary contained in any other law, no stamp duty or fees shall be chargeable in respect of any document executed or registered in pursuance of the provisions of this Act.

Documents to be free from stamp duty and fees.

[West Ben. Act XVIII

(Sections 9A—13.)

19A. Any money due to the State Government or the Board under this Act or the rules made thereunder shall be recoverable as a public demand.

10. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

11. The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act and such rules may provide for any matter which may be or is required to be prescribed.

12. (1) The West Bengal *Bhudan Yagna* Ordinance, 1962 is hereby repealed.

West Ben.
Ord. VII
of 1962.

(2) Anything done or any action taken under the West Bengal *Bhudan Yagna* Ordinance, 1962, shall be deemed to have been validly done or taken under this Act as if this Act had commenced on the 18th day of September, 1962.

13. When any date is specified under sub-section (3) of section 1 for the application of this Act in any area of the transferred territories, then, with effect from such date (hereinafter referred to as the appointed date), the following consequences shall ensue in such area, namely :—

(a) the Bihar *Bhoo dan Yagna* Act, 1954, shall stand repealed ;

Bihar Act
XXII of
1954.

(b) all lands and other properties vested or deemed to be vested in the *Bhoo dan Yagna* Committee shall stand transferred to, and vest in, the Board and the Board shall hold such lands on the terms, conditions and restrictions referred to in sub-section (3) of section 6 ;

(c) any land granted by the *Bhoo dan Yagna* Committee to a landless person shall be deemed to have been settled by the Board with such person, and such person shall hold such land under the Board on the same terms, conditions and restrictions on which he held it under the *Bhoo dan Yagna* Committee :

¹Section 9A was inserted by sec. 2 of the West Bengal *Bhudan Yagna* (Amendment) Act, 1964 (West Ben. Act II of 1964).

²For the West Bengal *Bhudan Yagna* Rules, 1963, see notification No. 7448-L. Ref., dated 6th May, 1963, published in the *Calcutta Gazette*, Extraordinary of 1963, Part I, pages 1119-1121.

³Sec. 13 was added by sec. 3 of the West Bengal *Bhudan Yagna* (Amendment) Act, 1964 (West Ben. Act II of 1964).

XVIII of 1962.]

(Section 13.)

Provided that the rent payable shall be paid to the Board ;

- (d) any land settled by the *Bhoodan Yagna* Committee with any person for the period intervening between the vesting of such land in the *Bhoodan Yagna* Committee and the date of its grant to a landless person shall be deemed to have been settled by the Board with such person for such period, and on the expiry of such period the Board shall be entitled to re-settle the land with a landless person on such terms, conditions and restrictions as may be prescribed ;
- (e) any investigation in respect of a *Bhoodan Yagna Danpatra* pending under the Bihar *Bhoodan Yagna* Act, 1954, and the rules made thereunder immediately before the appointed date, shall be continued in accordance with the provisions of this Act by the Officer appointed under sub-section (1) of section 6, as if such *Bhoodan Yagna Danpatra* constituted the particulars referred to in section 5 in respect of the donated land concerned ;
- (f) any appeal referred to in section 17 of the Bihar *Bhoodan Yagna* Act, 1954, shall be presented to, and any such appeal pending under that Act immediately before the appointed date shall be continued before, the Munsif referred to in section 7 and shall be heard and determined by such Munsif in accordance with the provisions of this Act.

Bihar Act
XXII of
1954.

Explanation.—In this section—

- (i) 'transferred territories' means the territories transferred from the State of Bihar to the State of West Bengal by section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956 ;
- (ii) '*Bhoodan Yagna* Committee' means the Committee established under section 3 of the Bihar *Bhoodan Yagna* Act, 1954 ; and
- (iii) '*Bhoodan Yagna Danpatra*' means the declaration in writing referred to in section 10 of the Bihar *Bhoodan Yagna* Act, 1954.

40 of 1956,

West Bengal Act XIX of 1962¹

THE CHOTA NAGPUR TENANCY (WEST BENGAL AMENDMENT) ACT, 1962.

[17th December, 1962.]

*An Act to amend the Chota Nagpur Tenancy Act, 1908, in
its application to West Bengal.*

Ben. Act
VI of 1908.

WHEREAS it is expedient to amend the Chota Nagpur Tenancy Act, 1908, in its application to West Bengal for the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Thirteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the Chota Nagpur Tenancy (West Bengal Amendment) Act, 1962. Short title.

2. The Chota Nagpur Tenancy Act, 1908, in its application to West Bengal (hereinafter referred to as the said Act), shall be amended for the purpose and in the manner hereinafter provided. Application of the Act.

3. For clause (a) of sub-section (1) of section 46A of the said Act, the following clause shall be, and shall be deemed always to have been, substituted, namely :—
“(a) a transfer to the Government, or to a person belonging to the community, tribe or caste, to which the transferor belongs.” Amendment of section 46A of Ben. Act VI of 1908.

West Ben.
Ord. IV of
1962.

4. (1) The Chota Nagpur Tenancy (West Bengal Amendment) Ordinance, 1962, is hereby repealed. Repeal and savings.

(2) Anything done or any action taken under the said Act as amended by the Chota Nagpur Tenancy (West Bengal Amendment) Ordinance, 1962, shall be deemed to have been validly done or taken under the said Act as amended by this Act as if this Act had commenced on the 7th day of September, 1962.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 14th June, 1962, Part IVA, page 192 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 20th November, 1962 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 22nd November, 1962.

West Bengal Act XX of 1962¹

THE WEST BENGAL TAXES ON ENTRY OF GOODS IN LOCAL AREAS ACT, 1962.

[1st January, 1963.]

An Act to provide for the levy of taxes on the entry of certain kinds of goods into certain local areas in West Bengal for consumption, sale or use in such local areas.

WHEREAS it is expedient to provide for the levy of taxes on the entry of certain kinds of goods into certain local areas in West Bengal for consumption, sale or use in such local areas ;

AND WHEREAS previous sanction of the President under the proviso to clause (b) of article 304 of the Constitution of India has been obtained ;

It is hereby enacted in the Thirteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the West Bengal Taxes on Entry of Goods in Local Areas Act, 1962.

(2) It extends to the whole of West Bengal.

(3) It shall be deemed to have come into force on the 27th day of September, 1955.

Short
title,
extent
and
commence-
ment.

2. In this Act, unless there is anything repugnant in the subject or context,—

Interpretation.

(a) “dealer” used in relation to any taxable goods entering a local area means a person,—

(i) who either on his own account or on account of a principal, causes such entry, or

(ii) who takes delivery or is entitled to take delivery of such goods on such entry ;

Explanation 1.—When the consignor or consignee of any taxable goods entering a local area nominates, according to such rules as may be prescribed, a person to be the dealer for the purposes of this Act, such person shall be deemed to be a dealer in relation to such taxable goods ;

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 6th December, 1962, Part IVA, page 3782 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 18th December, 1962 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 20th December, 1962.

[West Ben. Act

(Section 3.)

Explanation 11.—When the consignee of any taxable goods entering a local area despatched to such local area by rail, water, air or post does not take delivery of such goods upon such entry and the goods are sold under the provisions of any law, the buyer who takes delivery of such goods upon the goods being so sold, shall be deemed to be the dealer thereof ;

(b) “local area” used in relation to any taxable goods means the local area specified in the entry under column 2 of the Schedule, corresponding to such taxable goods ;

(c) “notified place” used in relation to any taxable goods means—

any railway station, steamer station, airport, Post Office or any other place whatsoever,

situate within the local area specified in the entry under column 2 of the Schedule, corresponding to such taxable goods and notified in this behalf by the State Government ;

(d) “prescribed” means prescribed by rules made under this Act ;

(e) “the Schedule” means the Schedule to this Act ;

(f) “taxable goods” means any goods specified under column I of the Schedule ;

(g) “using” used with respect to tea, includes blending ;

(h) “year” means the financial year commencing on the first day of April.

hori- 3. (1) The State Government shall prescribe an authority (hereinafter referred to as the prescribed authority) for carrying out the purposes of this Act.

(2) The State Government or the prescribed authority may appoint persons to assist the prescribed authority.

(3) Any powers, duties or functions of the prescribed authority may be delegated to the persons appointed under sub-section (2) in accordance with such rules as may be prescribed.

(4) The prescribed authority and the persons appointed under sub-section (2) shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Act XLV
of 1960.

The West Bengal Taxes on Entry of Goods in Local Areas Act, 1962. 391

XX of 1962.]

(Sections 4—6.)

4. (1) Subject to the provisions of sub-section (3), there shall be levied on the entry of any goods specified under column 1 of the Schedule, in the local area specified in the corresponding entry under column 2 of the Schedule for consumption, use or sale in such local area,⁴ a tax at the rate specified in the corresponding entry in column 3 of the Schedule.

Tax on
entry of
goods in
a local
area.

(2) All taxes under this Act, leviable on the entry of taxable goods in any local area, shall be payable by the dealer thereof to the State Government, in the prescribed manner.

(3) No tax shall be levied under this Act on the entry of any taxable goods entering a local area in consignments below the size or the quantity notified by the State Government in this behalf in respect of such taxable goods.

5. (1) The dealer of any taxable goods, other than those to which the provisions of sub-section (3) of section 4 apply, shall, on or before the entry thereof in a local area, deliver to the prescribed authority a bill of entry relating thereto in such form and containing such particulars as may be prescribed.

Bill of
entry.

(2) On the due delivery of such bill of entry the tax leviable on the entry of such goods shall be assessed by the prescribed authority and in the prescribed manner.

6. (1) No taxable goods, other than those to which the provisions of sub-section (3) of section 4 apply, entering a local area shall be transported or removed from a notified place except on production before such officer as may be authorised by the State Government in this behalf of a transport pass granted by the prescribed authority in the prescribed form and under prescribed conditions.

Transport
pass.

(2) Where it is found to the satisfaction of the prescribed authority that no tax is leviable under this Act on the entry of any taxable goods entering a local area on the ground that they are not for consumption, use or sale in such local area, and the assessment is nil under sub-section (2) of section 5, the prescribed authority shall grant a transport pass certifying that no tax is leviable under this Act.

(3) When the prescribed authority is satisfied that the tax assessable on such goods under section 5 is otherwise than nil and the tax assessed has been paid in full, the prescribed authority shall grant a transport pass certifying that the tax leviable on the entry of such goods has been duly paid.

392 *The West Bengal Taxes on Entry of Goods in Local Areas Act, 1962.*

[West Ben. Act

(Sections 7—9.)

Deposit.

7. (1) The prescribed authority may in respect of any kind of taxable goods accept from a dealer deposit of a sum which in the opinion of such authority is sufficient to cover the tax under this Act estimated to be payable during a prescribed period and issue, in the prescribed manner and in the prescribed form, a transport pass certifying the amount deposited.

(2) Subject to prescribed conditions, such a pass shall be sufficient authority for transportation or removal during the prescribed period from any notified place of a series of consignments of such taxable goods so that the aggregate amount of tax leviable in respect of all such consignments does not exceed the amount of the deposit.

(3) Where any consignments are transported or removed under a transport pass referred to in sub-section (1), the prescribed authority shall adjust against the deposit, the taxes assessed in respect of the consignments in such manner as may be prescribed.

(4) Any amount of the deposit remaining at the credit of the dealer at the end of a prescribed period shall, on his application, be refunded to him, or may, at his option, be credited towards any deposit in respect of any future period for which he may want to take a fresh transport pass on making a deposit under sub-section (1).

Goods not originally meant for consumption, use or sale in a local area subsequently consumed, used or sold therein

8. Where a transport pass has been granted under sub-section (2) of section 6, in respect of any taxable goods entering a local area, on the ground that such goods were not for consumption, use or sale in such local area and the assessment was nil, then, such goods or any part thereof shall not be subsequently consumed, used or sold in such local area unless a revised bill of entry in such form and containing such particulars as may be prescribed is delivered to the prescribed authority and the tax leviable under this Act is assessed and paid.

Explanation.—In cases as aforesaid, tax shall be levied as if the taxable goods or so much thereof as is intended to be consumed, used or sold in the local area has entered the local area for consumption, use or sale therein.

Short-levied taxes.

9. When any tax leviable under this Act in respect of the entry of any taxable goods has been short-levied through inadvertence, error or misconstruction on the part of the prescribed authority or any person appointed under sub-section (2) of section 3, or through misstatement as to the quantity or description on the part of the dealer liable to pay tax in respect of such goods, or for any other reason, the dealer shall pay the deficiency, on demand being made within three months from the date of the assessment; and the prescribed authority may refuse the transportation or removal from a notified place of the taxable goods or any part thereof not yet transported or removed until the deficiency is paid in full.

*The West Bengal Taxes on Entry of Goods in Local
Areas Act, 1962.*

XX of 1962.]

(Sections 10—12.)

10. (1) When it appears that any taxable goods, in respect of the entry of which tax is payable under this Act, have entered a local area and no bill of entry was delivered and no tax was paid in respect of the entry of such goods as required under the foregoing sections, the prescribed authority shall proceed, in such manner and within such time as may be prescribed, to assess the tax to the best of his judgment and direct the dealer by whom the tax is payable, to pay it on demand ; and the prescribed authority may, in addition, direct such dealer to pay a penalty not exceeding one and a half times the tax assessed :

Entry of goods in a local area without bill of entry or payment of tax.

Provided that the prescribed authority may, in respect of any particular dealer, for reasons to be recorded in writing, extend the date of such payment or allow such dealer to pay the tax payable and the penalty, if any, directed to be paid, by instalments.

(2) Any amount of tax or penalty which remains unpaid after the date specified in the demand notice shall be recoverable as an arrear of land revenue.

(3) Any assessment made under this section shall be without prejudice to any prosecution instituted for an offence under this Act.

11. Notwithstanding anything contained in any law for the time being in force, in respect of any business carried on under a trade name, action may be taken under this Act in any matter connected with the purposes of this Act including the realisation of taxes or penalty, and proceedings for the recovery of any such taxes or penalty may be commenced or continued under any law against the person owning the business.

Action taken and proceedings commenced or continued in the trade name of a business.

12. Every dealer to whom a transport pass is granted under sub-section (2) of section 6 in respect of any taxable goods entering a local area, shall—

(a) furnish to the prescribed authority within the prescribed time such particulars as to the storage and disposal of such goods as may be prescribed ;

(b) keep true accounts relating to the stock, purchases and disposal of such goods :

Particulars, accounts, etc., to be maintained and made available in certain cases.

Provided that if the prescribed authority is satisfied that such accounts are not sufficiently clear and intelligible for carrying out the purposes of this Act he may require the dealer to keep accounts in such form as may be prescribed ;

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[West Ben Act

(Sections 13, 14.)

- (c) make available for inspection by the prescribed authority any stocks of, or accounts, registers, vouchers or other documents relating to, such goods as may be required by the prescribed authority.

Power to do certain things for securing compliance with the provisions of the Act or for carrying out the purposes of the Act.

13. Subject to such rules as may be prescribed, the prescribed authority may, for securing compliance with the provisions of this Act, or for carrying out the purposes of this Act,—

- (a) open any package and examine any goods entering a notified place ;
- (b) on the entry in or at the time of the transportation or removal of such goods from, a notified place, take samples of such goods for ascertaining whether any tax under this Act is payable, or for any other necessary purpose, provided that such samples shall, if practicable, be restored to the owner thereof or compensation shall be paid therefor to the owner at the market value ;
- (c) intercept and search any road vehicle or river-craft or any load carried by a person within a local area specified under column 2 of the Schedule ;
- (d) seize any taxable goods which he has reason to believe are being or have been transported or removed in contravention of the provisions of section 6, together with any container or other materials for the packing of such goods ;
- (e) detain at any notified place, any taxable goods together with the container and other materials for packing thereof ;
- (f) enter and search any place where he has reason to believe that any stocks, accounts, registers, vouchers or other documents referred to in clause (c) of section 12 are kept or are being, for the time being kept ; and, if he has reason to believe that tax is being evaded, seize and detain them for so long as may be necessary for examination or for the purposes of prosecution.

Storage and sale.

14. (1) The prescribed authority may, in respect of any taxable goods lawfully detained or seized by him, incur such expenditure as may be necessary for the storage of such goods for so long as they remain detained or seized.

(2) The prescribed authority may, at any time after such seizure or detention, by notice issued in the prescribed manner, require the dealer whose goods have been so seized or detained to take delivery thereof before a date specified in the notice after payment of the tax due thereon, if any, together with the expenses incurred under sub-section (1).

*The West Bengal Taxes on Entry of Goods in Local
Areas Act, 1962.*

XX of 1962.]

(Section 15.)

(3)(a) If the dealer fails to take delivery of such goods before the date specified in the notice, the prescribed authority may, in the prescribed manner, cause such goods to be put up at public auction for sale for cash on delivery.

(b) If the prescribed authority deems the highest offer made at such a sale to be inadequate he may adjourn the sale to some other date in the prescribed manner.

(c) The proceeds arising from the sale shall be applied in payment, in order of priority, of—

firstly, the charges incurred by the prescribed authority under sub-section (2),

secondly, the tax payable, if any, on such goods,

thirdly, the balance, if any, to the dealer of such goods on application made within one year from the date of the sale.

(d) Notwithstanding any provisions to the contrary, if any goods lawfully detained or seized be of a perishable nature, the prescribed authority may, at any time, if he thinks fit, cause them to be sold in any manner he thinks appropriate in the circumstances, and shall apply the proceeds in the manner provided in clause (c).

15. (1) Whoever—

Penalties.

(a) contravenes the provisions of sub-section (1) of section 5,
or

(b) in any case in which a transport pass is required, transports or removes or attempts to transport or remove, or aids in transporting or removing or attempting to transport or remove any taxable goods from any notified place without such transport pass,
or

(c) in any case in which a revised bill of entry referred to in section 8 is required, consumes, uses or sells any taxable goods in a local area without delivering beforehand such revised bill to the prescribed authority, or

(d) contravenes the provisions of section 12 or knowingly furnishes incorrect particulars as to the storage and disposal of taxable goods, when purporting to comply with the provisions of clause (a) of section 12,
or

(e) obstructs any person in the exercise of his powers under section 13,

[West Ben. Act

(Sections 16, 17.)

shall be punishable with simple imprisonment which may extend to six months or with fine or with both ; and when the offence is a continuing one, with a daily fine not exceeding fifty rupees throughout the period of the continuance of the offence :

Provided that no prosecution for any offence enumerated hereinbefore in this section shall be instituted in respect of the same facts in respect of which a penalty has been imposed under section 10 :

Provided further that for offences of contravention under clauses (b), (c) and (d) the Court may, in addition to any fine imposed, order confiscation of anything seized under section 13.

(2) If it be found, when any taxable goods are transported or removed from a notified place, that—

(a) the packages in which they are contained differ widely from the description given in the bill of entry ; or

(b) the contents thereof have been wrongly described or have been mis-stated in the bill of entry in regard to any particulars required to be stated therein,

the dealer shall be punishable with a penalty not exceeding one thousand rupees.

(3) All offences punishable under this Act or the rules made thereunder shall be cognizable and bailable.

(4) No Court shall take cognizance of any offence under this Act or the rules made thereunder except on complaint made with the previous sanction of the prescribed authority.

Composi-
tion.

16. (1) Subject to such conditions as may be prescribed, the prescribed authority may accept from any person accused of any offence punishable under this Act, by way of composition for such offence, payment of a sum not exceeding double the amount of tax payable, if any, or a sum of rupees five thousand, whichever is greater.

(2) If payment by way of composition is accepted under sub-section (1), no further proceedings shall be taken against the accused in respect of the offence compounded.

Appeal.

17. (1) Any dealer, deeming himself aggrieved by any order passed under this Act, may, in the prescribed manner and within one month from the date of such order, appeal therefrom to such officer of Government as may be prescribed :

Provided that no appeal shall be entertained by such officer unless he is satisfied that such amount of tax as the appellant may admit to be due by him has been paid.

The West Bengal Taxes on Entry of Goods in Local Areas Act, 1962.

XX of 1962.]

(Sections 18, 19.)

(2) The officer of Government to whom the appeal is made may, after giving the parties an opportunity of being heard and after making such further enquiry, if any, as he deems fit, pass any order, confirming, altering or annulling the order appealed against and may also pass any *interim* order if he thinks such *interim* order to be necessary :

Provided that no such order in appeal shall have the effect of subjecting any person to any greater penalty than has been adjudged against him in the original order.

(3) An order passed in appeal under this section shall be final.

Act V
of 1909.

18. The prescribed authority, a person appointed under sub-section (2) of section 3 or the officer of Government hearing an appeal under section 17, shall, for the purposes of this Act, have the same powers as are vested in a Court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters, namely :—

Power to
take
evidence
on oath,
etc.

- (a) enforcing the attendance of any person and examining him on oath or affirmation ;
- (b) compelling the production of documents ; and
- (c) issuing commissions for the examination of witnesses.

19. (1) The prescribed authority shall, in the prescribed manner, refund to a dealer applying in this behalf any amount of tax or penalty,—

Refunds.

- (i) paid in respect of the entry of any tea-waste, if it is proved to the satisfaction of the prescribed authority in the prescribed manner that the tea-waste has been used in manufacturing caffeine by the dealer or by any other person who is a manufacturer of caffeine and to whom the dealer has sold the tea-waste, or

- (ii) paid in respect of the entry of any taxable goods by the dealer, in excess of the amount due from him under this Act,

either by cash payment or, at the option of the dealer, by deduction of such amount from any tax payable under this Act by him in future :

Provided that no refund shall be made unless the claim for refund is made within six months from the date of the order declaring the amount to be in excess.

(2) Nothing in sub-section (1) shall be deemed to empower the prescribed authority to amend, vary or rescind any order passed on appeal under section 17, or to confer on a dealer any relief in addition to what he is entitled under the provisions of this Act.

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[West Ben. Act

(Sections 20—23.)

Duty of
secrecy.

20. (1) If, save as provided under sub-section (2), any servant of Government, except in the discharge in good faith of his duty as such authority, discloses any particulars learned by him in his official capacity in respect of any taxable goods, he shall be punishable with imprisonment which may extend to six months, and shall also be liable to fine.

(2) Nothing in this section shall apply to the disclosure—

(a) of any particulars referred to in sub-section (1) for the purpose of a prosecution under the Indian Penal Code in respect of such particulars or for the purpose of a prosecution under this Act ; or

Act :
of 16

(b) of such particulars, to an officer of the Central Government, as may be necessary for the purpose of enabling that Government to levy or realize any tax imposed by it.

Orders
under
the Act
not to be
questioned
by any
Civil
Court.

21. Save as otherwise provided in the Constitution of India, no order passed under this Act by the prescribed authority, or a person appointed under sub-section (2) of section 3 or the officer of Government hearing an appeal under section 17, shall be called in question in any Civil Court.

Indemnity.

22. No suit, or other legal proceedings shall lie against Government and no suit, prosecution or other legal proceedings shall lie against any officer or servant of Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Power to
make
rules.

23. (1) The State Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) anything which may be or is required to be prescribed under this Act ;

(b) the procedure for, and other matters (including provisions for payment of fees) incidental to, the disposal of appeals under section 17.

(3) In making any rule the State Government may direct that a breach thereof shall be punishable with fine not exceeding five hundred rupees, and when the offence is a continuing one, with a daily fine not exceeding twenty-five rupees during the continuance of the offence.

¹For rules made under sec. 20 of the West Bengal Taxes on Entry of Goods in Local Areas Act, 1955 (West Ben. Act XXVI of 1955), called the West Bengal Taxes on Entry of Goods in Local Areas Rules, 1955, see notification No. 657 F.T., dated the 2nd April, 1956, published in the *Calcutta Gazette, Extraordinary*, dated the 3rd April, 1956, Part I, page 695.

The West Bengal Taxes on Entry of Goods in Local Areas Act, 1962. 399

XX of 1962.]

(Section 24 and the Schedule.)

West Ben.
Act XXVI
of 1955.

24. (1) The West Bengal Taxes on Entry of Goods in Local Areas Act, 1955, is hereby repealed.

Repeal and
savings.

(2) For the removal of doubts it is hereby declared that any tax levied, any sum recovered, any proceedings commenced or continued, any rule made, any order or notification issued, anything done or any action taken under the provisions of the West Bengal Taxes on Entry of Goods in Local Areas Act, 1955, shall not be called in question in any Civil or Criminal Court and shall be deemed to have been validly levied, recovered, commenced, continued, made, issued, done or taken, as the case may be, under the corresponding provisions of this Act.

THE SCHEDULE.

[See section 2.]

1	2	3
Taxable goods.	Local area.	Rate.
Tea, that is to say, the leaves, leaf-buds and stalks of <i>Camellia Thea</i> and also tea dust and tea waste.	Calcutta as described in Schedule I to the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951), as deemed to have been amended by notification under section 594 of the said Act together with the districts of 24-Parganas and Howrah.	One anna per pound avoirdupois.
Mango ..	Ditto ..	Six annas per maund.
Orange ..	Ditto ..	Eight annas per maund.
Mossambie ..	Ditto ..	Eight annas per maund.
Grapes ..	Ditto ..	One rupee and eight annas per maund.

400 *The West Bengal Taxes on Entry of Goods in Local Areas Act, 1962.*

[West Ben. Act XX of 1962.]

(The Schedule.)

1	2	3
Taxable goods.	Local area.	Rate.
Bedana	Calcutta as described in Schedule I to the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951), as deemed to have been amended by notification under section 594 of the said Act together with the districts of 24-Parganas and Howrah.	One rupee per maund.
Anar	Ditto ..	Eight annas per maund.
Apples	Ditto ..	One rupee per maund.
Pears	Ditto ..	Eight annas per maund.
Guava	Ditto ..	Four annas per maund.
Custard Apple ..	Ditto ..	Four annas per maund.
Water-melon .. (Tarmuj).	Ditto ..	Two annas per maund.
Melons, i.e., Kharmuj Lablab.	Ditto ..	Eight annas per maund.
Plum	Ditto ..	Six annas per maund.
Lichi	Ditto ..	Eight annas per maund.
Lemon	Ditto ..	One rupee and eight annas per maund.
Cherry, Peach and Apricot.	Ditto ..	One rupee per maund.

Explanation.—For purposes of this Schedule, where goods are contained in packing materials or containers, there shall be deducted such weight as may be prescribed, on account of the packing materials or containers, from the gross weight of the goods.

West Bengal Act XXIV of 1962¹

THE COOCH BEHAR MUNICIPAL (SECOND AMENDMENT) ACT, 1962.

[24th January, 1963.]

An Act to amend the Cooch Behar Municipal Act, 1944.

Cooch
Behar
Act III
of 1944.

WHEREAS it is expedient to amend the Cooch Behar Municipal Act, 1944, for the purposes and in the manner hereinafter appearing ;

It is hereby enacted in the Thirteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the Cooch Behar Municipal (Second Amendment) Act, 1962.

Short
title.

2. In clause (2) of section 4 of the Cooch Behar Municipal Act, 1944 (hereinafter referred to as the said Act), for the words "ten feet", the words "three metres" shall be substituted.

Amend-
ment of
section 4
of Cooch
Behar
Act III
of 1944.

3. In section 13 of the said Act,—

Amend-
ment of
section 13.

(i) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) The Magistrate in charge of the subdivision in which a Municipality is situated or any other Magistrate of the first or second class authorised by him in writing in this behalf shall prepare and publish at the time and in the manner prescribed an electoral roll showing the names of persons qualified to vote at an election of Commissioners.” ;

(ii) in sub-section (5), for the words “Commissioners at a meeting” the words “Magistrate by whom the electoral rolls were prepared and published under sub-section (1)” shall be substituted ; and

(iii) after sub-section (5), the following sub-section shall be inserted, namely :—

“(6) The cost of preparing, publishing and printing the electoral rolls shall be paid from, and the sale proceeds from the sales of such rolls shall be credited to, the Municipal Fund.”

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, of the 9th November, 1962, part I page 8334 ; for proceeding of the West Bengal Legislative Assembly see the proceedings of the meeting of that Assembly, held on the 19th December, 1962, for the proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 21st December, 1962.

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[West Ben. Act

(Sections 4—9.)

Amend-
ment of
section 14.

4. In clause (g) of sub-section (1) of section 14 of the said Act, the words, figures and letter "or under section 171J of the Cooch Behar Penal Code" shall be omitted.

Amend-
ment of
section 15.

5. In section 15 of the said Act,—

(1) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) Save as otherwise provided in this Act, a person who resides in a ward of the Municipality and whose name is included in the electoral roll for the time being in force for election of members to the West Bengal Legislative Assembly from an area which includes the area comprised in the Municipality shall be qualified to be an elector of that ward."

(2) in sub-section (3),—

(a) for clause (b), the following clause shall be substituted, namely :—

"(b) if he is confined in a prison or is in the custody of the police ; or" ;

(b) in clause (c), the words, figures and letter "or under section 171J of the Cooch Behar Penal Code" shall be omitted ;

(3) sub-section (4) shall be omitted.

Amend-
ment of
section 16.

6. To sub-section (1) of section 16 of the said Act, the following *Explanation* shall be added, namely :—

"*Explanation.*—In this section the expression 'first general election' shall include the first general election held after the commencement of the Cooch Behar Municipal (Second Amendment) Act, 1962."

Amend-
ment of
section 28.

7. In section 28 of the said Act, clause (c) shall be omitted.

Amend-
ment of
section 103.

8. In section 103 of the said Act, for the words "Within one month of any sum becoming", the words "As soon as may be after any sum has become" shall be substituted.

Amend-
ment of
section 104.

9. In sub-section (1) of section 104 of the said Act,—

(i) for the words "a notice of demand, in the form prescribed in the Schedule of Forms annexed to this Act", the words, letter and figure "a notice of demand in Form A of Schedule III" shall be substituted ;

(ii) for the words "if such person shall not, within seven days", the words "if such person does not, within thirty days" shall be substituted ;

*The Cooch Behar Municipal (Second Amendment) Act, 403
1962.*

XXIV of 1962.]

(Sections 10—19.)

- | | |
|---|--------------------------------------|
| (iii) the words "within six months of the service of the notice of demand" shall be omitted ; and | |
| (iv) for the words and figure "under a warrant in the form prescribed in the Schedule III of Forms annexed to this Act", the words, letter and figure "under a warrant in Form B of Schedule III" shall be substituted. | |
| 10. In section 105 of the said Act, for the words "in the form in the Schedule", the words, letter and figure "in Form C of Schedule III" shall be substituted. | Amend-
ment of
section
105. |
| 11. In section 113 of the said Act, in the <i>Explanation</i> , for the words and figure "mentioned in Schedule V", the words and figure "mentioned in Schedule IV" shall be, and shall be deemed always to have been, substituted. | Amend-
ment of
section
113. |
| 12. In section 124 of the said Act, for the words "four annas", the words "twenty-five naye paise" shall be substituted. | Amend-
ment of
section
124. |
| 13. In clause (a) of sub-section (1) of section 152 of the said Act, for the words "one mile", the words "one thousand six hundred and nine metres" shall be substituted. | Amend-
ment of
section
152. |
| 14. In sub-section (1) of section 176 of the said Act, for the words "three hundred yards", the words "two hundred and seventy-four metres" shall be substituted. | Amend-
ment of
section
176. |
| 15. In sub-clause (ix) of clause (a) of section 178 of the said Act, for the words "fifty yards", the words "forty-six metres" shall be substituted. | Amend-
ment of
section
178. |
| 16. Section 190 of the said Act shall be omitted. | Omission
of section
190. |
| 17. Section 191 of the said Act shall be omitted. | Omission
of section
191. |
| 18. Section 192 of the said Act shall be omitted. | Omission
of section
192. |
| 19. Section 193 of the said Act shall be omitted. | Omission
of section
193. |

404 *The Cooch Behar Municipal (Second Amendment) Act,*
1962.

[West Ben. Act

(Sections 20, 21.)

Substitu-
tion of
new
Schedule
for
Schedule
II.

20. For Schedule II to the said Act, the following Schedule shall be substituted, namely :—

“SCHEDULE II.

Rates of costs for distrains under this Act.

(Section 104.)

For Demands—	Costs.
	Rs. nP.
Under 1 Rupee	0.25
From 1 Rupee to less than 5 Rupees ..	0.50
From 5 Rupees to less than 10 Rupees ..	1.00
From 10 Rupees to less than 15 Rupees ..	1.50
From 15 Rupees to less than 20 Rupees ..	2.00
From 20 Rupees to less than 25 Rupees ..	2.50
From 25 Rupees to less than 30 Rupees ..	3.00
From 30 Rupees to less than 35 Rupees ..	3.50
From 35 Rupees to less than 40 Rupees ..	4.00
From 40 Rupees to less than 45 Rupees ..	4.50
From 45 Rupees to less than 50 Rupees ..	5.00
From 50 Rupees to less than 60 Rupees ..	6.00
From 60 Rupees to less than 80 Rupees ..	7.50
From 80 Rupees to less than 100 Rupees ..	9.00
Above 100 Rupees	10.00

The above costs include all expenses except when peons are kept in charge of property distrained, in which case a further sum at the rate of nineteen naye paise for every day or part thereof shall be paid for each man so kept.”

Amend-
ment of
Schedule
III.

21. In Schedule III to the said Act,—

(1) in form B,—

(i) for the words “and seven days have elapsed” the words “and thirty days have elapsed” shall be substituted ; and

(ii) for the words “within seven days next after such distress”, the words “within ten days next after such distress” shall be substituted ;

(2) in form C, for the words “within seven days from the day of”, the words “within ten days from” shall be substituted.

*The Cooch Behar Municipal (Second Amendment) Act, 405
1962.*

XXIV of 1962.]

(Section 22.)

22. For Schedule IV to the said Act, the following Schedule shall be substituted, namely :—

Substitu-
tion of
new
Schedule
for
Schedule
IV.

“SCHEDULE IV.

Tax on Conveyances and Animals.

(Section 113.)

	Tax per quarter. Rs. nP.
(1) For every jinrickshaw or cycle rickshaw . .	2.25
(2) For every 4 wheeled carriage on springs, drawn by two horses.	4.50
(3) For every 4 wheeled carriage on springs, drawn by one horse or pony, or by a pair of ponies under thirteen hands.	1.50
(4) For every 4 wheeled carriage without springs,	1.50
(5) For every 2 wheeled carriage on springs . .	2.25
(6) For every 2 wheeled carriage without springs, drawn by a horse, pony or mule.	0.75
(7) For every horse	2.25
(8) For every pony under thirteen hands and every mule and donkey.	0.75
(9) For every elephant	6.00
(10) For every bicycle	1.00
(11) For every tricycle other than one meant for the use of and used by children under eight years of age.	1.00”.

West Bengal Act II of 1963¹

THE MURSIDABAD ESTATE (TRUST) ACT, 1963.

AMENDED West Ben. Act XXXIX of 1963.

[8th February, 1963.]

An Act to provide for the creation of a trust in respect of the properties enjoyed by the late Nawab Bahadur of Murshidabad for the benefit of his sons and daughters.

²WHEREAS it is considered necessary and expedient to make, in the changed circumstances, better and more suitable provisions for the maintenance of the Nawab Bahadur of Murshidabad and the members of the family ;

AND WHEREAS the late Nawab Bahadur of Murshidabad expressed a desire that on his death a trust should be created in respect of all the properties enjoyed by him for the benefit of his sons and daughters ;

AND WHEREAS it is necessary to give effect to the said desire of the late Nawab Bahadur of Murshidabad and to that end to create a trust in respect of the properties of the Murshidabad Estate ;

It is hereby enacted in the Thirteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the Murshidabad Estate (Trust) Act, 1963.

Short
title and
commence-
ment.

(2) It shall come into ³force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless there is anything repugnant in the subject or context,—

Defini-
tions.

(1) “appointed day” means the day appointed under sub-section (2) of section 1 ;

(2) “daughter” means a legitimate daughter ;

(3) “Imambarah” means an Imambarah comprised in the properties of the Murshidabad Estate ;

(4) “Imambarah Committee” means the committee constituted under section 7 ;

(5) “late Nawab Bahadur” means the person who was the Nawab Bahadur of Murshidabad immediately before the 23rd October, 1959 ;

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, of the 12th November, 1962, Part IVA, page 8428 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 18th and 19th December, 1962 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meetings of that Council held on the 8th January, 1963.

²Substituted for the existing first paragraph by sec. 2 of the Murshidabad Estate (Trust) (Amendment) Act, 1963 (West Ben. Act XXXIX of 1963).

³The Act came into force with effect from the 1st May, 1963, vide notification No. 67704 Ref., dated 25th April, 1963, published in the *Calcutta Gazette, Extraordinary* of 1963, part I, page 985.

(Sections 3, 4.)

- (6) "Mosque" means a Mosque comprised in the properties of the Murshidabad Estate ;
- (7) "Nawab Bahadur" means the Nawab Bahadur of Mursidabad for the time being ;
- (8) "prescribed" means prescribed by rules made under this Act ;
- (9) "present Nawab Bahadur" means the son of the late Nawab Bahadur who succeeded to the titles of the Nawab Bahadur of Murshidabad and Amir-ul-Omrah on the death of the late Nawab Bahadur ;
- (10) "properties of the Murshidabad Estate" includes the properties movable and immovable specified in the Schedule ;
- (11) "son" means a legitimate son ;
- (12) "Trustee" means the Official Trustee for West Bengal and includes his successors in office.

Vesting of
properties
in the
Trustee.

3. As from the appointed day—

- (1) all the properties of the Murshidabad Estate (hereinafter referred to as the trust properties) shall vest in the Trustee to be held by him in trust for the benefit of the sons and daughters of the late Nawab Bahadur ;
- (2) the Trustee shall receive a monthly sum of rupees nineteen thousand one hundred and sixty-six and ten annas and eight pies, referred to in the Indenture included in, and confirmed by, the Moorshedabad Act, 1891, payable from the Government Treasury at Bêrhampore in the district of Murshidabad and shall give receipts therefor ;
- (3) the Trustee shall receive and recover all rents, issues and profits due in respect of the properties of the estate, and shall upon receiving such rents, issues and profits give receipts therefor.

15 of 18

Manage-
ment of
the trust
properties.

4. On the vesting of the properties of the Murshidabad Estate in the Trustee under section 3,—

- (1) the Trustee shall, subject to the provisions of this Act and the rules made thereunder, manage and administer the trust properties and all income therefrom and may, for the purpose of so managing and administering such properties and income, take such measures as he considers necessary or expedient and do all acts and incur all expenditure necessary or incidental thereto ;
- (2) any payment made to the Trustee in the discharge of any obligation in relation to any of the trust properties shall be a full and valid discharge to the person making the payment from all liabilities in respect thereof ;

II of 1963.]

(Section 5.)

- (3) any payment made otherwise than in accordance with clause (2) shall not be deemed to discharge the person paying it from his obligation to make the payment and shall not affect the right of the Trustee to enforce such obligation against that person ;
- (4) any suit or proceeding pending before the appointed day in relation to any of the trust properties may be continued by or against the Trustee, as the case may be, and not otherwise ;
- (5) all valid contracts subsisting immediately before the appointed day and affecting the trust properties shall be of as full force and effect against or in favour of the Trustee and shall be enforceable as fully and effectively against or by the Trustee as if the Trustee had always been named therein and had been a party thereto ;
- (6) any suit or other legal proceeding for the enforcement of any right or remedy in respect of any of the trust properties may be instituted in any court by or against the Trustee, as the case may be, and not otherwise ;
- (7) save as otherwise expressly provided in this Act, the Trustee shall be entitled to dispose of, with the previous approval of the State Government, any trust properties, movable or immovable, and to invest the proceeds thereof in such manner as the State Government may direct ;
- (8) with effect from such date as the State Government may specify in this behalf, the services of all persons employed in connection with the management of the Murshidabad Estate under the Murshidabad Estate Administration Act, 1933, shall stand determined :

23 of 1933,

Provided that the Trustee may re-employ any such person in connection with the management of the trust properties on such terms as he may determine.

^{15.} (1) The Trustee shall pay to the present Nawab Bahadur a lump sum of Rs. 6,00,000 from the funds of the Murshidabad Estate which come into his hands on the vesting of the trust properties in him under section 3.

Application of funds of the Estate and income from trust properties.

(2) The Trustee shall pay to the Nawab Bahadur a monthly sum of Rs. 7,000 from the sum received by him under clause (2) of section 3.

(3) From the balance of the sum received under clause (2) of section 3 and the sums received under clause (3) of that section, the Trustee shall pay—

(a) first—

- (i) all costs incurred by the Trustee in managing and administering the trust properties and the

¹This section was substituted for the original section 5 by sec. 8 of the Murshidabad Estate (Trust) (Amendment) Act, 1968 (West Ben. Act XXXIX of 1968).

[West Ben. Act

(Section 5.)

income therefrom, including costs of such repairs and improvements of any of the trust properties other than the Mosques and Imambarahs as appear necessary to the Trustee and are approved by the State Government ; and

- (ii) all revenues, rents, cesses, rates, taxes, debts and liabilities in respect of the Murshidabad Estate and the trust properties and amounts required to satisfy any decree, order or judgment of the court in relation thereto ;
- (b) secondly, to the Imambarah Committee for the purpose of the maintenance of the Mosques and Imambarahs and the performance of the prescribed religious ceremonies such amount as may be specified by the State Government by order made in this behalf from time to time ;
- (c) thirdly, after making the payments referred to in clauses (a) and (b) which shall be apportioned proportionately and adjusted against the sums received under clauses (2) and (3) respectively of section 3, and the monthly payment referred to in sub-section (2), the balance remaining out of the sum received under clause (2) of section 3, to the Nawab Bahadur, and from the balance remaining out of the sums received under clause (3) of that section, an allowance of—
 - (i) a monthly sum of Rs. 3,000 to the Nawab Bahadur ;
 - (ii) a monthly sum of Rs. 2,000 each to the sons of the late Nawab Bahadur (including the present Nawab Bahadur in his personal capacity) by his wife, the Nawab Begum of Mursidabad ;
 - (iii) a monthly sum of Rs. 1,200 to the son of the late Nawab Bahadur by his wife by *nika* marriage other than the Nawab Begum of Murshidabad ;
 - (iv) a monthly sum of Rs. 500 to the daughter of the late Nawab Bahadur by his wife, the Nawab Begum of Murshidabad ;
 - (v) a monthly sum of Rs. 400 each to the daughters of the late Nawab Bahadur by his other wife by *nika* marriage, namely :—
 - (1) Quamar Jahan Hussan ara Begum,
 - (2) Anjuman ara Safia Bano Begum,
 - (3) Jamal ara Begum,
 - (4) Shakeel ara Begum ;
 - (vi) a monthly sum of Rs. 500 to the son of the late Nawab Bahadur by his wife by *muta* marriage, namely :—

Muzafar Jah Syed Sajid Ali Meerza :

Provided that—

- (a) if the sums received in any year under clause (3) of section 3, be more or less than what would be required for payment of such allowances, the

II of 1963.]

(Sections 6, 7.)

amounts of such allowances shall be proportionately increased or reduced, as the case may be,

- (b) if, on the appointed day, any of the sons and daughters of the late Nawab Bahadur (including the present Nawab Bahadur), who survived the late Nawab Bahadur, be dead, the allowance payable to such son or daughter under sub-clause (ii), (iii), (iv), (v) or (vi) shall be paid to his or her heirs, as the case may be.

Explanation.—In this sub-section “Nawab Begum of Murshidabad” means the mother of the present Nawab Bahadur.

(4) The allowances payable under sub-clauses (ii), (iii), (iv), (v) and (vi) of clause (c) of sub-section (3) shall be heritable in accordance with the law of inheritance for the time being applicable to the members of the family of the late Nawab Bahadur referred to therein.

6. The residential houses and buildings of the late Nawab Bahadur shall be used and occupied by the sons and daughters of the late Nawab Bahadur in the following manner, that is to say,—

Allotment
of resi-
dential
houses.

- (1) the Wasif Manzil Palace at Murshidabad and premises No. 85, Park Street, Calcutta, shall be used and occupied by the Nawab Bahadur ;
- (2) the Moti Mahal at Murshidabad shall be used and occupied by Syed Kazim Ali Meerza, one of the sons of the late Nawab Bahadur ;
- (3) the Mahal Sarah, known as Amir Mahal, at Murshidabad shall be used and occupied jointly by the other sons, and the daughters, of the late Nawab Bahadur :

Provided that—

- (a) if the Government of India ceases to recognise the title of Nawab Bahadur of Murshidabad the houses referred to in clause (1) shall be merged with the rest of the trust properties for the benefit of some or all of the beneficiaries thereof for the time being, as the State Government may direct ;
- (b) the arrangements referred to in clauses (2) and (3) shall be subject to such modification as the State Government may, from time to time, make.

7. (1) For the purpose of the maintenance of the Mosques and Imambarahs and the performance of such religious ceremonies as may be prescribed, the State Government shall, by notification in the *Official Gazette*, constitute a committee consisting of—

The Imam-
barah
Com-
mittee.

- (a) the Nawab Bahadur ;
- (b) three male members, being citizens of India, to be nominated by the beneficiaries of the trust properties for the time being from among themselves in such manner as may be prescribed :

Provided that if the beneficiaries of the trust properties fail to nominate any such member or members within such time as may be specified in this behalf by the State Government, the State Government shall nominate such member or members.

(2) The members of the Imambarah Committee shall, from time to time, elect in such manner as may be prescribed, one of their number as the Chairman of the Committee.

(3) The Imambarah Committee or any member thereof, including the Chairman, may enter into and inspect any of the Imambarahs or Mosques and shall be entitled to perform or cause to be performed the prescribed religious ceremonies therein and to make or cause to be made such repairs and improvements thereof as may be considered necessary in accordance with orders made in this behalf by the State Government from time to time.

Indemnity. 8. No suit or other legal proceeding shall lie against the State Government and no suit, prosecution or other legal proceeding shall lie against any person in any civil or criminal court for anything done or intended to be done in pursuance of the provisions of this Act or the rules made thereunder.

Rules. 9. (1) The State Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for any matter which is required to be or may be prescribed under this Act.

Repeal. 10. The following enactments, in so far as they do not relate to the descent of the title of Nawab Bahadur or to the sum of rupees two lakhs and thirty thousand payable to the Nawab Bahadur from the revenues of the Government in pursuance of the Indenture included in, and confirmed by, the Moorshedabad Act, 1891 or to the payment thereof to the Nawab Bahadur in accordance with the provisions of the said Indenture by equal monthly instalments of rupees nineteen thousand one hundred and sixty-six and ten annas and eight pies, are hereby repealed, namely :—

(1) The Moorshedabad Act, 1891.

(2) The Murshidabad Estate Administration Act, 1933.

(3) The Murshidabad Act, 1946.

(4) The Murshidabad Estate Administration (Amendment) Act, 1959.

Act to
override
the pro-
visions of
other
laws, etc.

11. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law or in any contract express or implied or in any instrument and notwithstanding any usage or custom to the contrary.

15 of 18

XV of
1891.

23 of 18

Ben.
Act XV
of 1946.

West
Ben.
Act XX
of 1959.

II of 1963.]

(The Schedule.)

THE SCHEDULE.

[Section 2(10).]

Properties of the Murshidabad Estate.

15 of 1891. I. Such of the properties, movable and immovable, referred to in the Indenture included in, and confirmed by, the Moorshedabad Act, 1891, including the Schedules of properties annexed thereto, with the additional immovable properties added under the provisions of—

(a) sub-section (1) of section 3 of that Act, and

1 of 1894. (b) section 32 of the Land Acquisition Act, 1894,

as formed part of the Murshidabad Estate immediately before the commencement of this Act and are situated in West Bengal or in any place outside West Bengal.

West Ben.
Act I of
1954. II. All moneys awarded or payable under the Land Acquisition Act, 1894 or the West Bengal Estates Acquisition Act, 1953, as compensation for the acquisition of any of the immovable properties referred to in item I mentioned above.

III. All moneys received in West Bengal as income from, or compensation for requisition or acquisition of, such of the properties referred to in item I mentioned above as are situated in any place outside West Bengal.

West Bengal Act III of 1963¹

THE WEST BENGAL APPROPRIATION (EXCESS EXPENDITURE, 1955-56, 1956-57, 1957-58 AND 1958-59) ACT, 1963.

[11th February, 1963.]

An Act to regularise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1956, the year ending on the thirty-first day of March, 1957, the year ending on the thirty-first day of March, 1958 and the year ending on the thirty-first day of March, 1959.

It is hereby enacted in the Thirteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the West Bengal Appropriation (Excess Expenditure, 1955-56, 1956-57, 1957-58 and 1958-59) Act, 1963. Short title.

2. From and out of the Consolidated Fund of West Bengal,— Issue of
Rs. 45,44,
698, Rs.
11,31,974,
Rs. 13,71,
212 and Rs.
2,74,20,324
out of the
Consoli-
dated
Fund of
West
Bengal res-
pectively
for the
services
and pur-
poses of
the year
1955-56,
the year
1956-57,
the year
1957-58
and the
year
1958-59.

(1) sums not exceeding those specified in column 3 of Schedule I amounting in the aggregate to the sum of rupees forty-five lakhs, forty-four thousand, six hundred and ninety-eight,

(2) sums not exceeding those specified in column 3 of Schedule II amounting in the aggregate to the sum of rupees eleven lakhs, thirty-one thousand, nine hundred and seventy-four,

(3) sums not exceeding those specified in column 3 of Schedule III amounting in the aggregate to the sum of rupees thirteen lakhs, seventy-one thousand, two hundred and twelve, and

(4) sums not exceeding those specified in column 3 of Schedule IV amounting in the aggregate to the sum of rupees two crores, seventy-four lakhs, twenty thousand, three hundred and twenty-four,

are authorised for payment and application towards defraying the several charges which were incurred during—

(i) the year ending on the thirty-first day of March, 1956,

(ii) the year ending on the thirty-first day of March, 1957,

(iii) the year ending on the thirty-first day of March, 1958,
and

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 19th December, 1962, Part IVA, page 4037; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 20th December, 1962; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 7th January, 1963.

416 *The West Bengal Appropriation (Excess Expenditure, 1955-56, 1956-57, 1957-58 and 1958-59) Act, 1963.*

[West Ben. Act

(Section 3 and Schedule I.)]

(iv) the year ending on the thirty-first day of March, 1959,

respectively in respect of the services and purposes specified in column 2 of each such Schedule and which were in excess of the amounts granted for the services and purposes of the respective year.

3. The sums authorised for payment and application from and out of the Consolidated Fund of West Bengal by this Act shall be deemed to have been respectively appropriated for the services and purposes expressed in Schedules I, II, III and IV in relation to the year ending on the thirty-first day of March, 1956, the year ending on the thirty-first day of March, 1957, the year ending on the thirty-first day of March, 1958 and the year ending on the thirty-first day of March, 1959.

Appropriation.

SCHEDULE I.

(See sections 2 and 3.)

1 Grant No.	2 Services and purposes.	3 Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
1	4—Taxes on Income Other than Corporation Tax.	12,477	...	12,477
2	7—Land Revenue ...	...	43,874	43,874
4	9—Stamps ...	18,122	...	18,122
5	10—Forest ...	3,18,571	...	3,18,571
6	11—Registration ...	14,994	...	14,994
11	22—Interest on Debt and Other Obligations.	...	4,97,685	4,97,685
14	27—Administration of Justice	...	84,427	84,427
19	87—Education ...	21,97,241	...	21,97,241
44	63—Extraordinary Charges	...	7,22,271	7,22,271
50	Public Debt ...	...	6,90,036	6,90,036
	Grand Total ...	25,56,405	19,88,293	45,44,698

*The West Bengal Appropriation (Excess Expenditure, 417
1955-56, 1956-57, 1957-58, and 1958-59) Act, 1963, .*

III of 1963.]

(Schedule II.)

SCHEDULE II.

(See sections 2 and 3.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Conso- lidated Fund.	Total.
		Rs.	Rs.	Rs.
4	9—Stamps ...	37,674	...	37,674
13	25—General Administration	10,93,597	...	10,93,597
18	36—Scientific Departments	840	...	840
40	57—Miscellaneous—Other Miscellaneous Expendi- ture.	...	363	363
	Grand Total ...	11,31,611	363	11,31,974

418 *The West Bengal Appropriation (Excess Expenditure,
1955-56, 1956-57, 1957-58 and 1958-59) Act, 1963.*

[West Ben. Act

(Schedule III.)

SCHEDULE III.

(See sections 2 and 3.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consoli- dated Fund.	Total.
		Rs.	Rs.	Rs.
4	9—Stamps ...	17,790	...	17,790
6	11—Registration ...	34,230	...	34,230
13	25—General Administration	5,92,582	...	5,92,582
15	28—Jails and Convict Settle- ments.	1,16,223	...	1,16,228
22	40—Agriculture ...	...	12,421	12,421
31	47—Miscellaneous Departments—Excluding Fire Services.	1,39,459	...	1,39,459
36	56—Stationery and Printing	1,17,000	...	1,17,000
38	57—Miscellaneous—Contri- butions.	1,38,294	2,03,208	3,41,502
	Grand Total ...	11,55,583	2,16,629	13,71,212

*The West Bengal Appropriation (Excess Expenditure, 419
1955-56, 1956-57, 1957-58 and 1958-59) Act, 1963.*

III of 1963.]

(Schedule IV.)
SCHEDULE IV.
(See sections 2 and 3.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
6	11—Registration ...	86,899	...	86,899
11	51A—Interest on Capital Outlay on Multi-purpose River Schemes.	...	84,921	84,921
14	25—General Administration.	6,49,873	...	6,49,873
15	27—Administration of Justice.	1,59,532	...	1,59,532
16	28.—Jails and Convict Settlements.	1,03,895	...	1,03,895
17	29—Police ...	...	789	789
18	30—Ports and Pilotage	7,699	...	7,699
20	37—Education ...	19,47,093	...	19,47,093
21	38—Medical ...	26,55,852	...	26,55,852
34	54B—Privy Purses and Allowances of Indian Rulers.	33,219	...	33,219
35	55—Superannuation Allowances and Pensions.	12,99,306	...	12,99,306
36	56—Stationery and Printing.	5,07,855	...	5,07,855
39	57—Miscellaneous—Expenditure on displaced persons.	1,59,90,647	...	1,59,90,647
41	63—Extraordinary Charges.	...	706	706
46	85A—Capital Outlay on State Schemes of Government Trading.	...	186	186
47	Public Debt ...	...	39,91,852	39,91,852
	Grand Total ...	2,38,91,870	40,28,454	2,71,20,324

West Bengal Act V of 1963

THE WEST BENGAL BOARD OF SECONDARY EDUCATION ACT, 1963.

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2. To sub-section (2) of section 1 of the West Bengal Board of Secondary Education Act, 1963 (hereinafter referred to as the said Act), the following proviso shall be added, namely:—

‘Provided that any institution situated in any other State or in any Union Territory may also, with the sanction of the Government of such State or Union Territory, as the case may be, apply to the Board for recognition and the Board may, subject to such conditions or restrictions as it may, with the approval of the State Government, think fit to impose grant recognition to such institution.’.

West Bengal Act V of 1963¹

THE WEST BENGAL BOARD OF SECONDARY EDUCATION ACT, 1963.

AMENDED West Ben. Act XXXVII of 1963.

[20th February, 1963.]

An Act to establish a Board of Secondary Education in the State of West Bengal, to define the powers and functions of such Board and to provide for certain other matters connected therewith.

It is hereby enacted in the Fourteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

CHAPTER I.

Preliminary.

1. (1) This Act may be called the West Bengal Board of Secondary Education Act, 1963. Short title, extent and commencement.
- (2) It extends to the whole of West Bengal.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
2. In this Act, unless the context otherwise requires,— Definitions.
- (a) “Board” means the West Bengal Board of Secondary Education established under this Act ;
- (b) “Head of Institution” means the head of the teaching staff of an Institution, by whatever name he or she may be designated ;
- (c) “Institution” means a High School or a Higher Secondary School or an educational Institution or part or department of such school or Institution imparting instruction in Secondary Education ;
- (d) “Managing Committee” used in reference to an Institution includes the Governor or the Governing Body of such an Institution ;
- (e) “notification” means a notification published in the *Official Gazette* ;
- (f) “prescribed” means prescribed by rules made under this Act ;

¹For Statement of Objects and Reasons and the Financial Memorandum, see the *Calcutta Gazette, Extraordinary* of the 19th November, 1962, Part IVA, page 3522 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 8th, 9th, 10th, 15th and 16th January, 1963 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meetings of that Council held on 22nd, 24th, 25th, 26th, 29th and 31st January 1963.

²This Act came into force with effect from the 1st January, 1964. *Vide* notification No. 4551 Edn. (G)/G. 83—42/63, dated the 27th December, 1963, published in the *Calcutta Gazette, Extraordinary* of 1963, Part I, page 4438.

[West Ben. Act

(Chapter II.—The Board.—Sections 3, 4.)

- (g) "President" means the President of the Board ;
- (h) "Primary Education" means education imparted in a primary school as defined in any Bengal Act or West Bengal Act or education equivalent thereto ;
- (i) "recognised" with its grammatical variations, used with reference to Institutions, means recognised under this Act or within the meaning of the West Bengal Secondary Education Act, 1950 ;
- (j) "regulation" means a regulation made by the Board under this Act ;
- (k) "rule" means a rule made by the State Government under this Act ;
- (l) "Secondary Education" means general education above the primary education stage provided for students with a view to qualifying them for admission to a certificate, diploma or degree course instituted by a University or by Government, and includes, subject to any general or special order of the State Government,
 - (i) technical education,
 - (ii) agricultural education,
 - (iii) commercial education,
 - (iv) education for the physically handicapped,
 - (v) education for the mentally retarded and defectives,
 - (vi) education in Reformatory schools and jails, or
 - (vii) any other type of education which the State Government may, in consultation with the Board, specify.

West Ben
Act
XXXVII
of 1950.

*insert
by Act N
XXI of
or by a
statute
body*

CHAPTER II.

The Board.

Establish-
ment and
incorpora-
tion of the
West
Bengal
Board of
Secondary
Education.

3. (1) The State Government shall, as soon as may be after this Act comes into force, establish a Board named the West Bengal Board of Secondary Education.

(2) The Board shall be a body corporate with perpetual succession and a common seal, shall be entitled to acquire, hold and dispose of property, to enter into contracts and to do all other things necessary for the purposes of this Act, and shall by its name sue and be sued.

rel-
sh.

4. The Board shall consist of the following members :—

- (1) the President ;
- (2) the Director of Public Instruction, Government of West Bengal, or if the State Government so directs, the Joint Director of Public Instruction, Government of West Bengal, *ex-officio* ;
- (3) the Director of Agriculture, Government of West Bengal, *ex-officio* ;

*The West Bengal Board of Secondary Education Act, 425
1963,*

V of 1963.]

Amend-
ment of
Section 4 of
West Ben.
Act V of
1963.

2. In section 4 of the West Bengal Board of Secondary Education Act, 1963 (hereinafter referred to as the principal Act),—

(a) for clause (3), the following clause shall be substituted:—

“(3) the Director of School Education, Government of West Bengal, *ex officio*”;

(b) clause (4) shall be omitted.

(8) the Chief Inspector of Women's Education, Government of West Bengal, *ex-officio* ;

(9) the Chief Inspector of Secondary Education, Government of West Bengal, *ex-officio* ;

(10) two persons nominated by the State Government from amongst the teaching staff of technical or professional Institutions not being Heads of Institutions ;

(11) Dean of the Faculty of Arts and Dean of the Faculty of Science of the Calcutta University, *ex-officio* ;

(12) the Principal, College of Engineering and Technology, Jadavpur University, *ex-officio* ;

(13) the Adhyaksha, Kala Bhawan, Viswa Bharati, Santiniketan, *ex-officio* ;

(14) a Dean nominated by each of the Universities of Burdwan, Kalyani and North Bengal ;

(15) (a) two Heads of recognised High Schools or recognised Higher Secondary Schools nominated by the State Government ;

(b) two heads of recognised High Schools or recognised Higher Secondary Schools elected in the manner prescribed, one of the two elected being the Head of such a High School or such a Higher Secondary School for girls ;

(16) one representative of each of the Associations, not being District or Regional Associations, recognised by the State Government, of teachers of Institutions, elected in the manner prescribed, from amongst the members of the Executive Committee of such Association ;

(17) two representatives of the West Bengal State Legislature, one being elected from amongst the members of the West Bengal Legislative Council and one being elected from amongst the members of the West Bengal Legislative Assembly in the manner prescribed ;

(18) four persons interested in education to be nominated by the State Government, one of whom shall be a woman and at least one shall be a member of the Managing Committee of a recognised Institution.

426 *The West Bengal Board of Secondary Education Act, 1963.*

[West Ben. Act

(Chapter II.—The Board.—Sections 5—9.)

Appoint-
ment in
default of
election.

5. (1) If by such date as may be prescribed any of the authorities, other than the State Government, fails to elect or nominate a member or members as provided in section 4, the State Government shall appoint member or members qualified for election or nomination by such authority :

Provided that in the case of the State Legislative Assembly if the said Assembly has been dissolved, the State Government shall appoint a suitable person to be a member to hold office until the said Assembly is reconstituted and a representative is elected by the members thereof.

(2) A person appointed under this section shall be deemed to be a member of the Board duly elected or nominated under section 4.

Publica-
tion of the
names of
elected, no-
minated or
appointed
members
of the
Board.

6. The name of every person elected or nominated under section 4 or appointed under section 5 as a member of the Board shall be published in the *Official Gazette* as soon as may be after his election or nomination or appointment, as the case may be.

Term of
office of
elected,
nominated
or
appointed
member
of the
Board.

7. (1) Subject to the provisions of this Act, an elected, nominated or appointed member of the Board shall hold office for a term of five years from the date on which his name is published under section 6, and may, on expiration of such term, be re-elected, re-nominated or re-appointed.

(2) Notwithstanding the expiration of the term of five years specified in sub-section (1), an elected, nominated or appointed member of the Board shall continue to hold office until the vacancy caused by the expiration of the said term has been filled in accordance with the provisions of this Act.

Casual
vacancies.

8. If any member dies or resigns his office or ceases to be a member for any other reason the vacancy shall be filled up by a fresh nomination or election under section 4 and the member so nominated or elected shall hold office for the unexpired portion of the term of the member whose place he fills.

Appoint-
ment,
term of
office,
salary and
allow-
ances
of the
President.

9. (1) The President shall be appointed by the State Government.

¹(2) The appointment of a President under sub-section (1) shall be for such period as may be specified in the notification, but the State Government may extend the period from time to time so, however, that the total period of appointment does not exceed five years from the date of first appointment.

¹Substituted for existing sub-section (2) by sec. 2 of the West Bengal Board of Secondary Education (Amendment) Act, 1968 (West Ben. Act XXXVII of 1968).

*The West Bengal Board of Secondary Education Act, 427
1963.*

V of 1963.]

(Chapter II.—The Board.—Sections 10, 11.)

(3) The President shall cease to hold office if at any time he becomes subject to any of the disqualifications referred to in sub-section (1) of section 11.

(4) The President may resign his office by giving notice in writing to the State Government.

(5) The President shall receive such salary and allowances, if any, from the West Bengal Board of Secondary Education Fund as the State Government may determine.

10. (1) If the President dies or resigns his office or ceases to hold office or is temporarily absent the State Government shall authorise a member of the Board to exercise the powers and perform the duties of the office of the President until the President resumes office or a new President is appointed, as the case may be.

Temporary
and acting
arrange-
ment for
the office
of the
President.

(2) A President appointed to fill a casual vacancy, under sub-section (1), shall hold office for the unexpired portion of the term of the President whose place he fills.

11. (1) A person shall be disqualified for being elected, nominated or appointed a member of the Board if he—

Disqualifi-
cations for
member-
ship.

(a) has been adjudged by a competent Court to be of unsound mind ;

(b) is an undischarged insolvent ;

(c) being a discharged insolvent, has not obtained from the Court a certificate that his insolvency was caused by misfortune without any misconduct on his part ;

(d) has been convicted by a Court of an offence which is declared by the State Government to be an offence involving moral turpitude, unless—

(i) such disqualification is condoned by the State Government, or

(ii) the term of his sentence of imprisonment, or a period of five years from the date of his conviction, whichever is longer, has expired ;

(e) directly, or indirectly, by himself or his partner,—

(i) has or had any share or interest in any text-book approved by the Board or published by or under the authority of the Board, or

(ii) has any interest in any work done by order of, or in any contract entered into on behalf of, the Board :

Provided that a person who had any share or interest in any text-book referred to in sub-clause (i) shall not be deemed to have incurred the disqualification under the said sub-clause if five years have elapsed from the date of the publication or republication of such text-book.

[West Ben. Act

(Chapter II.—The Board.—Sections 12—15.)

(2) If an elected, nominated or appointed member of the Board becomes after his election, nomination or appointment, as the case may be, subject to any of the disqualifications specified in sub-section (1), his membership shall thereupon cease with effect from such date as the State Government may direct.

Disputes
relating to
the eligi-
bility or
the manner
of election
of
members.

12. (1) If any question arises relating to—

- (i) the eligibility of any person for election as a member of the Board, of any Committee or of a Regional Examination Council under this Act, or
- (ii) the manner in which any such election has been held, or
- (iii) the disqualification of any member of the Board, of any Committee or of a Regional Examination Council continuing as such member,

such question shall be referred for decision to a Tribunal consisting of a Judicial Officer not below the rank of a District Judge or an Additional District Judge, appointed by the State Government.

(2) The procedure to be followed by the Tribunal shall be such as may be prescribed.

(3) The decision of the Tribunal under sub-section (1) shall be final and no suit or proceeding shall lie in any Civil or Criminal Court in respect of any matter which has been or may be referred to, or has been decided by, the Tribunal under that sub-section.

Resigna-
tion and
removal of
members.

13. (1) An elected, nominated or appointed member of the Board may resign his seat by giving notice in writing to the President, and when such resignation is accepted by the Board, such member shall be deemed to have vacated his seat.

(2) The State Government may, by notification, and after giving the member concerned an opportunity of being heard, remove any elected, nominated or appointed member of the Board if, without obtaining the consent of the President, he is absent from three consecutive meetings of the Board.

Conduct of
meetings.

14. The President, or in his absence, one of the members of the Board elected from amongst those present, shall preside at meetings of the Board, and the President or such member shall be entitled to vote on any matter and shall have a second or casting vote in every case of equality of votes.

Restriction
on voting.

15. (1) No member of the Board shall vote on any matter in which he has any personal or pecuniary interest or if it relates to any Institution of which he is either a teacher or a member of the Managing Committee.

*The West Bengal Board of Secondary Education Act, 429
1963.*

V of 1963.]

*(Chapter II.—The Board.—Sections 16, 17.—Chapter III.—
Committees and Regional Examination Councils.—
Sections 18, 19.)*

(2) The President or the member presiding at a meeting of the Board shall decide any question arising under sub-section (1) and his decision thereon shall be final.

16. (1) The Board shall have a Secretary who shall be appointed by the State Government.

Persons
in the
service
of the
Board.

(2) The Board may appoint such other officers and servants as it considers necessary for carrying out the purposes of this Act.

(3) The terms and conditions of appointment and the scales of pay and allowances, if any, shall—

(a) as respect the Secretary be such as may be prescribed, and

(b) as respect the other officers and servants be such as may be determined by regulations.

(4) Subject to the general control and supervision of the President the Secretary shall be the principal administrative officer of the Board. He shall be entitled to attend and speak at any meetings of the Board, but shall not be entitled to vote.

17. Such members of the Board or of any Committee, Sub-Committee or Council constituted under this Act as are not in the service of the State Government, shall, in respect of expenses incurred by them in attending meetings of the Board, or of any such Committee, Sub-Committee or Council, or in exercising any powers or performing any duties conferred or imposed upon them by or under this Act, be paid by the Board such allowances and at such rates as may be prescribed.

Travelling
allowance.

CHAPTER III.

Committees and Regional Examination Councils.

18. As soon as may be after the Board is established the Board shall constitute the following Committees, namely :—

Com-
mittees.

- (a) the Recognition Committee ;
- (b) the Syllabus Committee ;
- (c) the Examinations Committee ;
- (d) the Appeal Committee ;
- (e) the Finance Committee.

19. (1) The Recognition Committee shall consist of the following members :—

Recogni-
tion Com-
mittee.

- (a) the President ;

Amend-
ment of
section 19.

3. In sub-section (1) of section 19 of the principal A
for clause (b), the following clause shall be substituted:—

“(b) the Director of School Education, Government
West Bengal, *ex officio*.”

of West Bengal.

Amend-
ment of
section
19A.

4. In sub-section (1) of section 19A of the principal A

(a) for clause (b), the following clause shall
substituted:—

“(b) the Director of School Education, Governmer
West Bengal, *ex officio*.”;

(b) clause (c) shall be omitted.

[West Ben. Act

(Chapter III.—Committees and Regional Examination Councils.
—Section 20.)

- b) the Director of Public Instruction, Government of West Bengal, or if the State Government so directs, the Joint Director of Public Instruction, Government of West Bengal, *ex-officio* ;
- (c) three persons to be elected by the Board in the manner provided by regulations, from amongst its members, one of whom shall be the Head of a High School or of a Higher Secondary School referred to in clause (15) of section 4 ;
- (d) the Chief Inspector of Women's Education, Government of West Bengal, *ex-officio* ;
- (e) the Chief Inspector of Secondary Education, Government of West Bengal, *ex-officio*.

(2) The President shall be the Chairman of the Recognition Committee and the Secretary to the Board shall be the Secretary to the said Committee.

(3) It shall be the duty of the Recognition Committee to advise the Board on all matters concerning the recognition of Institutions and the Board shall not accord recognition to any Institution except on the recommendation of the Recognition Committee.

Syllabus
Committee.

20. (1) The Syllabus Committee shall consist of the following members :—

- (a) the President ;
- (b) the Dean of the Faculty of Arts of the University of Calcutta, *ex-officio* ;
- (c) the Dean of the Faculty of Science of the University of Calcutta, *ex-officio* ;
- (d) a Dean nominated by each of the Universities of Burdwan, Kalyani and North Bengal ;
- (e) the Principal, Bengal Engineering College, Shibpore, *ex-officio* ;
- (f) the Principal, College of Engineering and Technology, Jadavpur University, *ex-officio* ;
- (g) the Principal, David Hare Training College, Calcutta, *ex-officio* ;
- (h) the Principal of the Institute of Education for Women, Hastings House, Calcutta, *ex-officio* ;
- (i) the Principal, Post-Graduate Basic Training College, Bamipur, *ex-officio* ;
- (j) the Heads of High Schools or Higher Secondary Schools elected by the Board in the manner provided by regulations, from amongst the members of the Board of whom one shall be a woman ;

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1963.**

V of 1963.]

*(Chapter III.—Committees and Regional Examination
Councils.— Section 21.)*

(k) two persons having special knowledge of scientific or technical education, who may or may not be members of the Board, elected by the Board in the manner provided by regulations.

(2) The President shall be the Chairman of the Syllabus Committee and the Secretary to the Board shall be the Secretary to the said Committee.

(3) It shall be the duty of the Syllabus Committee to—

(a) advise the Board about the syllabus and courses of studies to be followed and the books to be studied in recognised Institutions as well as for examinations instituted by the Board ;

(b) advise the Board on any matter relating to the syllabus, courses of study or books to be studied, as may be referred to it by the Board.

(4) The Syllabus Committee may appoint such Sub-Committee or Sub-Committees as it may consider necessary to advise it upon any matter referred to in sub-section (3) and it shall not be necessary for any member of such a Sub-Committee to be a member of the said Committee or the Board.

21. (1) The Examinations Committee shall consist of the following members :—

Examina-
tions
Committee.

(a) the President ;

(b) the Director of Public Instruction, Government of West Bengal, or if the State Government so directs, the Joint Director of Public Instruction, Government of West Bengal, *ex-officio* ;

(c) one person to be nominated by the State Government from amongst the members of the Board referred to in clauses (11) to (14) of section 4 ;

(d) one person elected by the Board in the manner provided by regulations from amongst the members of the Board referred to in clauses (11) to (14) of section 4, other than the member nominated under clause (c) ;

(e) the Chief Inspector, Technical Education and Director of Technical Training, Government of West Bengal, *ex-officio* ;

(f) the Chief Inspector of Secondary Education, Government of West Bengal, *ex-officio*.

(2) The President shall be the Chairman of the Examinations Committee and the Secretary to the Board shall be the Secretary to the said Committee.

(3) It shall be the duty of the Examinations Committee to—

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1963.*

[West Ben. Act

*(Chapter III.—Committees and Regional Examination
Councils.—Section 22.)*

- (a) arrange for the holding of examinations instituted by the Board including the fixing of centres for such examinations ;
 - (b) appoint Paper-setters and Moderators for such examinations ;
 - (c) appoint Examiners, Tabulators, Supervisors and Invigilators for such examinations ;
 - (d) consider, approve and publish the results of such examinations ; and
 - (e) disqualify candidates for presenting themselves at examinations for any reason considered to be adequate or for being declared as having passed any such examination on the ground of misconduct.
- (4) The Examinations Committee shall advise the Board on—
- (a) the rates of remuneration to be paid to the Paper-setters, Moderators, Tabulators, Examiners, Invigilators, Supervisors and others employed in connection with examinations ;
 - (b) the fees to be paid by candidates for examinations ;
 - (c) any matter relating to examinations which may be referred to it for advice by the Board.
- (5) The Examinations Committee may appoint such Sub-Committee or Sub-Committees as it may consider necessary to advise it upon any matter referred to in sub-sections (3) and (4) and it shall not be necessary for any member of such a Sub-Committee to be a member of the Examinations Committee or of the Board.

22. (1) The Appeal Committee shall consist of the following—

**Amend-
ment of
section 22.** **6.** In sub-section (1) of section 22 of the principal Act for clause (c), the following clause shall be substituted:—

“(c) the Director of School Education, Government West Bengal, *ex officio*”.

- (c) a person in the service of the State Government to be nominated by the State Government ;
- (d) the Head of a High School or of a Higher Secondary School elected by the Board in the manner provided by regulations, from amongst the members of the Board referred to in clause (15) of section 4 ;

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**(Chapter III.—Committees and Regional Examination Councils.—
Sections 23, 24.)**

(e) a member of a Managing Committee of a recognised Institution nominated by the President.

(2) The President shall be the Chairman of the Appeal Committee and the Secretary to the Board shall be the Secretary to

In sub-section (3) of section 22 of the West Bengal of Secondary Education Act, 1963 (hereinafter referred to as the said Act), after the word "teachers", the words "other employees" shall be inserted. hear and
ing Com-
ccordance

(4) The decision of the Appeal Committee under sub-section (3) shall be final and no suit or proceeding shall lie in any Civil or Criminal Court in respect of any matter which has been or may be referred to, or has been decided by, the Appeal Committee.

23. (1) The Finance Committee shall consist of the following members :—

**Finance
Committee.**

sub-section (1) of section 23 of the said Act, for the following clause shall be substituted. t of West
c Govern-
the Director of Secondary Education, Government

7. In sub-section (1) of section 23 of the principal Act, for clause (b), the following clause shall be substituted:—

23. "(b) the Director of School Education, Government of West Bengal, *ex officio*;"

(2) The President shall be the Chairman of the Finance Committee and the Secretary to the Board shall be the Secretary to the said Committee.

(3) It shall be the duty of the Finance Committee to prepare the budget of the Board and to perform such other functions as the Board may direct.

24. (1) The Board may, with the approval of the State Government, constitute such other Committee or Committees as it may think fit and any such Committee may be composed wholly or in part of members of the Board.

**Other Com-
mittees.**

(2) The Board may, with the approval of the State Government, delegate to any such Committee any of its powers or functions and may in like manner withdraw from it any such power or function.

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[West Ben. Act

(Chapter III.—Committees, and Regional Examination Councils.—Sections 25, 26.—Chapter IV.—Powers and Functions of the Board and President.—Section 27.)

Regional
Examina-
tion
Councils.

25. (1) The Board may, with the approval of the State Government, constitute Regional Examination Councils.

(2) The Board may, by notification, entrust to such Regional Examination Councils such powers and duties of the Examinations Committee under sub-section (3) and sub-section (4) of section 21, except those specified in clause (b) of sub-section (3) and clause (b) of sub-section (4) of that section, as it may deem fit.

(3) The number, composition and territorial jurisdiction of Regional Examination Councils shall be such as may be provided by regulations.

Term of
office of
members
of the Com-
mittees
and
Councils.

26. (1) An elected, nominated or appointed member of any Committee or Council constituted under this Act, who is also a member of the Board, shall continue to hold office until he ceases to be a member of the Board.

(2) An elected, nominated or appointed member of any Committee or Council constituted under this Act, who is not a member of the Board, shall hold office for such term as may be provided by regulations made in this behalf, and may on expiration of such term be re-elected, re-nominated or re-appointed :

Provided that, notwithstanding the expiration of the said term, an elected, nominated or appointed member of a Committee or Council shall continue to hold office until the vacancy caused by the expiration of the said term has been filled in accordance with the provisions of this Act.

(3) The provisions of section 5 and of sections 8, 11 and 13 shall apply *mutatis mutandis* to members of any Committee or of a Regional Examination Council constituted under this Act as if references to the Board or the President were references to such Committee or Regional Examination Council or the Chairman of such Committee or Regional Examination Council.

CHAPTER IV.

Powers and Functions of the Board and President.

Functions
of the
Board.

27. (1) It shall be the duty of the Board to advise the State Government on all matters relating to Secondary Education referred to it by the State Government.

(2) Subject to any general or special orders of the State Government, the provisions of this Act and any rules made thereunder, the Board shall have generally the power to direct, supervise and control Secondary Education, and in particular the power—

¹For the West Bengal Board of Secondary Education (Term of office of Member of a Committee or Council) Regulations, 1964 see notification dated the 26th September, 1966, published in the *Calcutta Gazette, Supplement*, page 918.

*The West Bengal Board of Secondary Education Act, 435
1963.*

V of 1963.]

**(Chapter IV.—Powers and Functions of the Board and President.
—Section 27.)**

- (a) to grant or refuse recognition to Institutions, and to withdraw such recognition, if it thinks fit, after considering the recommendations of the Recognition Committee in accordance with such regulations as may be made in this behalf ;
- (b) to maintain a register of recognised Institutions ;
- (c) to provide by regulations, after considering the recommendations, if any, of the Syllabus Committee, the Syllabus, the courses of studies to be followed and the books to be studied in recognised Institutions and for examinations instituted by the Board ;
- (d) to undertake, if necessary, with the approval of the State Government, the preparation, publication or sale of text-books and other books for use in recognised Institutions ;
- (e) to maintain and publish, from time to time, lists of books approved for use in recognised Institutions and for examinations instituted by the Board and to remove the name of any such books from any such list ;
- (f) to institute Higher Secondary and School Final Examinations and such other examinations as it may think fit and to make regulations in this behalf ;
- (g) to make regulations regarding the conditions to be fulfilled by candidates presenting themselves for examinations instituted by the Board ;
- (h) to publish the results of any examinations instituted by the Board and to award diplomas, certificates, prizes and scholarships in respect thereof ;
- (i) to provide by regulations after considering the recommendations of the Examinations Committee and the Regional Examination Councils, if any, the rates of remuneration to be paid to Paper-setters, Moderators, Tabulators, Examiners, Invigilators, Supervisors and others employed in connection with examinations instituted by the Board, and the fees to be paid by candidates for such examinations ;
- (j) to grant permission to candidates to appear at examinations instituted by the Board and to refuse or withdraw such permission if it thinks fit in accordance with such regulations as may be made in this behalf ;
- (k) to administer the West Bengal Board of Secondary Education Fund ;

[West Ben. Act

(Chapter IV.—Powers and Functions of the Board and President.
—Section 28.—Chapter V.—Meetings.—Section 29.)

(l) to institute and administer such Provident Funds as may be prescribed ;

(m) to make regulations relating to the conduct, discipline and appeal in respect of the members of the staff.

(2) Subject to the provisions of sub-section (2), the Board (2) Subject to the provisions of sub-section (2), the Board

3. In sub-section (4) of section 27 of the said Act, after the words "as it thinks fit", the words "and also specify the date or dates from which the regulations shall come into force or shall be deemed to have come into force" shall be added.

W.B. Act No. 2 of 1978
Provided that before making any such addition, alteration or modification the State Government shall give the Board an opportunity to express its views thereon within such period not exceeding one month as may be specified by the State Government.

(5) All regulations approved by the State Government, shall be published in the *Official Gazette*.

Powers
and
duties of
President.

28. (1) The President shall be responsible for carrying out and giving effect to the decisions of the Board and of any Committee or Council constituted under this Act.

(2) The President may, in any emergency, exercise any of the powers of the Board provided however that he shall not act contrary to any decision of the Board, and shall, as soon thereafter as may be, report to the Board the action taken by him together with reasons therefor.

(3) The President shall—

(a) exercise general supervision over the Secretary and the staff appointed by the Board, and post and transfer the members of the staff ;

(b) sanction all claims of travelling allowance ; and

(c) take such other action not inconsistent with any decisions of the Board as he considers necessary for the proper functioning of the Board under this Act.

CHAPTER V.

Meetings.

Meetings
of the
Board.

29. (1) The annual meeting of the Board shall be held in the month of July in each year.

(2) The Board shall meet at such other times as may be appointed by the President.

(3) The President shall, except in the case of an emergency meeting referred to in sub-section (6), give to each member not less than seven days' notice of each meeting including the annual or a special meeting :

V of 1963.]

(Chapter V.—Meetings.—Section 30.—Chapter VI.—Finance and Audit.—Section 31.)

Provided that the President shall, on receipt of a requisition signed by not less than ten members of the Board, call a meeting within fifteen days from the date of receipt of such requisition and no business other than that on account of which the requisition has been received shall be transacted at such a meeting.

(4) On receipt of a requisition signed by not less than six members of the Board, the President shall place before a meeting of the Board for discussion any decision of any Committee constituted under this Act to which such requisition relates, and the Board may revise any such decision if not less than two-thirds of the total number of members of the Board are in favour of such revision.

(5) No matter which has been decided by the Board shall, within the period of six months from the date of such decision, be reconsidered except at a special meeting of the Board convened for the purpose upon the requisition of ten members and unless not less than two-thirds of the total number of members of the Board vote in favour of such reconsideration.

(6) In case of an emergency, the President may call a meeting, after giving not less than clear two days' notice thereof.

(7) No business shall be transacted at any meeting of the Board unless a quorum of ten members is present.

30. The Board shall make regulations relating to meetings of any Committee or of any Regional Examination Council constituted by it and the procedure to be followed at such meetings.

Meetings
of Com-
mittees
and
Regional
Exami-
nation

CHAPTER VI

Short title.

1. This Act may be called the West Bengal Board of Secondary Education (Amendment) Act, 1986.

Amend-
ment of sec-
tion 31 of
West Ben.
Act V of
1963.

2. In section 31 of the West Bengal Board of Secondary Education Act, 1963,—

(a) in sub-section (1), the words "together with a budget estimate showing in such form as may be prescribed, the anticipated income and expenditure of which such

(b) for sub-section (3), the following sub-section shall be substituted:—

"(3) (a) The Board shall hold a special meeting by the 31st October of every financial year and shall place before the said meeting a budget estimate showing, in such form as may be prescribed, the anticipated income and expenditure of the Board for the next financial year.

annual
recon as

board
may

(b) The budget estimate as aforesaid shall, after confirmation by the Board, be forwarded to the State Government by the 30th November of the financial year in which the special meeting

[West Ben. Act

(Chapter VI.—Finance and Audit.—Sections 32, 33.)

- (i) is not reasonably accurate with reference to ascertainable facts or shows a deficit in the closing balance ;
- (ii) includes new items of recurring expenditure which are likely to impose upon the Board in the future financial liabilities which the Board is not likely to be able to meet from its income ; or
- (iii) includes provisions for expenditure which are not in accordance with the provisions of this Act.

(b) If the budget estimate is returned under clause (a), the Board shall consider the comments and suggestions made by the State Government and may, if it thinks fit, revise the said estimate. The Board shall then resubmit the budget estimate as so revised to the State Government, or, the Board shall, if it does not think fit to revise the estimate, resubmit it in its original form to the State Government within one month of receiving it together with its replies on the comments and suggestions made by the State Government.

(c) If the State Government does not approve of the budget estimate as revised by the Board or if the budget estimate is returned by the Board without revision, the State Government may amend the budget estimate by making—

- (i) such modifications as are in its opinion necessary to render
- (d) for sub-section (5), the following sub-section shall be substituted:—

“(5) If the State Government does not accord its approval to the budget estimate under clause (b) of sub-section (3) within two months of the receipt thereof, or if the State Government does not communicate its approval of the budget estimate to the Board under clause (c) of sub-section (4) within the 31st March of the financial year immediately preceding the financial year to which the budget estimate relates, the budget estimate as forwarded to the State Government by the Board under clause (b) of sub-section (3) or as resubmitted to the State Government by the Board under clause (b) of sub-section (4), as the case may be, shall be deemed to have been approved by the State Government and shall be the budget estimate of the Board for the financial year to which it relates.”;

credited—

- (a) all sums which may be paid by the State Government under section 32 ;
- (b) all fees realised under any of the provisions of this Act ;

**The West Bengal Board of Secondary Education Act, 439
1963.**

of 1963.]

(Chapter VI—Finance and Audit.—Sections 34—36.)

(e) after sub-section (5), the following sub-section shall be inserted:—

“(6) Notwithstanding anything contained in the foregoing provisions of this section, the budget estimate of the Board for the financial year 1986-87

7. In sub-section (3) of section 33 of the said Act, after the words “Reserve Bank of India”, the words “or into the State Bank of India or any branch thereof” shall be inserted.

the West Bengal Board of Secondary Education (Amendment) Act, 1986.”

provided for met by reappropriation sanctioned in the prescribed manner.

Secondary Education Fund.

Accounts.

35. The Board shall keep an account of all its receipts and expenditure in the manner prescribed.

Audit.

36. (1) The accounts of the Board shall be examined and audited annually in such manner as may be prescribed by an auditor or auditors appointed by the State Government.

(2) For the purpose of examination and audit under sub-section (1) an auditor appointed under that sub-section may—

(a) require in writing the production before him of any document relating to the Board or the assets thereof which he considers to be necessary for the proper conduct of the audit ;

(b) require in writing the personal appearance before him of any person accountable for, or having the custody or control of, any such document to answer any question relating thereto ; and

(c) require any person so appearing before him to submit a statement in writing in respect of any such document.

(3) It shall be the duty of the Board, and of every member thereof, and of the Secretary and the members of the staff in the service of the Board to afford to the auditor every facility for the examination and audit of the accounts of the Board and to comply with any requisition made by the auditor under sub-section (2) and with the requirement of any rule made in this behalf.

(4) Any person who wilfully neglects or refuses to comply with a requisition made under sub-section (2) or with the requirement of any rule made in this behalf shall, on conviction, be punishable with fine which may extend to one hundred rupees.

(5) No complaint in respect of any offence punishable under sub-section (4) shall be made except with the previous sanction of the State Government.

[West Ben. Act

(Chapter VI.—*Finance and Audit.*—Section 37.—Chapter VII.—*Supplemental Provisions.*—Sections 38—42.)

(6) No Magistrate other than a Presidency Magistrate or a Magistrate of the first or second class shall try an offence punishable under sub-section (4).

Audit
report.

37. (1) Not more than fourteen days after completion of the audit the auditor shall submit to the State Government a report on the accounts audited, and shall send a copy thereof to the Board which shall forward it to the State Government together with its observations thereon.

(2) The State Government shall take such action on the audit report as it thinks fit.

CHAPTER VII.

Supplemental Provisions.

Board to
furnish
informa-
tion.

38. The Board shall furnish to the State Government such reports, returns and statements as may be prescribed and such further information on any matter relating to the Board, as the State Government may require.

Power of
State
Govern-
ment to
suspend
proceed-
ings.

39. The State Government may, by order in writing specifying the reasons thereof, suspend the execution of any resolution or other of the Board or any Committee or any Regional Examination Council constituted under this Act and prohibit the doing of any act which purports to be done or intended to be done under this Act, if the State Government is of opinion that such resolution, order or act is in excess of the powers conferred by or under this Act upon the Board or the Committee or the Council, as the case may be.

Certain
persons
to be
deemed
to be
public
servants.

40. The members of the Board of every Committee or Council constituted under this Act, persons in the service of the Board and any person appointed under this Act to audit the accounts of the Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Act
of 11

Indemnity.

41. No suit, prosecution or other legal proceeding whatever shall lie against any person for anything in good faith done or intended to be done under this Act.

Power of
Tribunals.

42. A Tribunal appointed under this Act shall have all the powers of a Civil Court for the purposes of receiving evidence, administering oaths, and enforcing the attendance of witnesses and compelling the discovery and production of documents, and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure.

Act
of 11

*the West Bengal Board of Secondary Education Act, 441
1963.*

of 1963.]

(Chapter VII.—Supplemental Provisions.—Sections 43—45.)

43. No act or proceeding taken under this Act shall be invalid on the ground merely of—

Savings.

- (a) the existence of any vacancy in, or defect in the constitution of, the Board or any Committee or any Regional Examination Council constituted under this Act,
- (b) any member of the Board having voted on any matter in contravention of the provisions of section 15, or
- (c) any defect or irregularity not affecting the merits of the case.

44. Every matter or thing required to be provided by regulations under this Act shall, until such regulations are made, be provided by rules made under this Act.

Transitory provisions.

45. (1) The State Government may, after previous publication, make rules for carrying out the purposes of this Act.

Power of State Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the acquisition, possession and disposal of property by the Board, the conditions of such acquisition, possession and disposal, and the performance by the Board of any function referred to in sub-section (2) of section 3 ;
- (b) the manner of election of the members of the Board specified in sub-clause (b) of clause (15) and clause (16) of section 4, the constitution of electorates for such elections and the dates by which such elections shall be held ;

In clause (d) of sub-section (2) of section 45, for the words "the composition of", substitute the words "the composition, powers and functions of".

(Substituted by West Ben. Act XIV of 1969, section 2.)

[No. 7, dated the 1st October, 1973.]

section 12 ;

- (f) the terms and conditions of appointment, the scale of pay and the rules of discipline relating to the Secretary of the Board ;
- (g) the rates at which the Board shall pay travelling allowance to persons referred to in section 17 ;

Inserted by Act of 1969

**442 The West Bengal Board of Secondary Education Act,
1963.**

[West Ben. Act

(Chapter VII.—Supplemental Provisions.—Section 46.)

- (h) the Provident Funds referred to in clause (1) of sub-section (2) of section 27 as may be instituted and administered by the Board ;
- (i) the form in which the budget estimate of the Board shall be prepared ;
- (j) the manner in which all payments to and from the West Bengal Board of Secondary Education Fund shall be made ;
- (k) the manner of reappropriation under section 34 ;
- (l) the manner and form in which accounts of receipts and expenditure shall be kept under section 35 ;
- (m) the manner in which examination and audit of the accounts of the Board shall be made ;
- (n) the reports, returns and statements to be furnished by the Board under section 38 and the forms of such reports, returns and statements ;
- (o) any other matter required to be prescribed or provided or made by rules.

**Repeal and
continu-
ance.**

46. (1) The West Bengal Secondary Education Act, 1950 (hereinafter referred to as the said Act), and the West Bengal Secondary Education (Temporary Provisions) Act, 1954, are hereby repealed.

**West Ben
Act
XXXVII
of 1950,
West Ben
Act XXII
of 1954.**

(2) Upon such repeal,

- (a) all property and assets vested in the Board of Secondary Education and all rights, liabilities and obligations acquired or incurred by such Board before the commencement of this Act shall stand transferred to the State Government :

Provided that the State Government may by order made in this behalf retransfer all or any of such property or assets to the Board and thereupon such property or assets shall vest in the Board,

- (b) all legal proceedings or remedies instituted or enforceable by or against the Board of Secondary Education before the commencement of this Act may be continued or enforced, as the case may be, by or against the Board, or until the Board is established by or against such officer or authority as the State Government may by order specify;
- (c) all officers and other persons in the employment of the Board of Secondary Education immediately before the commencement of this Act shall, until other provision is made, continue in the service of the Board,

**The West Bengal Board of Secondary Education Act, 443
1963.**

of 1963.]

(Chapter VII.—Supplemental Provisions.—Sections 47, 48.)

- (d) all recognised schools shall be deemed to have been recognised under this Act until the expiration of the period of recognition subject, however, to the power of the Board to withdraw recognition in accordance with the provisions of this Act,
- (e) all syllabuses, courses of studies and text-books in force shall, until other provision is made under this Act, continue to be followed, and
- (f) all appeals, referred to in sub-section (3) of section 30 of the said Act and pending immediately before the commencement of this Act, shall be continued and be heard and determined by the Appeal Committee constituted under section 18 of this Act, and, until such Appeal Committee is constituted, by the Director of Public Instruction, Government of West Bengal and for the purpose of disposal of such appeals the regulations made under the said sub-section (3) of section 30 of the said Act shall be deemed to continue in force.

47. The Board shall, in exercising its powers and performing its duties under this Act, be guided by such directions, as the State Government may by notification in the *Official Gazette* give from time to time, regarding the scope and content of Secondary Education.

Board to be guided by directions of the State Government.

48. If any difficulty arises in giving effect to the provisions of this Act, the State Government may make such order or do such thing, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.

Power to remove difficulties.

4. In section 50 of the said Act,

5. After section 50 of the said Act, the following section
shall be inserted:—

and to
issue as a
y corporate.

51. For the avoidance of doubts it is hereby
declared that an order of supersession
under section 49 shall not effect or
any way the dissolution of the Board a
corporate." 2.13. Act II of 1978

Ord. 4
1978

West Bengal Act X of 1963¹

THE WEST BENGAL APPROPRIATION ACT, 1963.

[30th March, 1963.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1964.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1964 ;

It is hereby enacted in the Fourteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the West Bengal Appropriation Act, 1963. Short title.

2. From and out of the Consolidated Fund of West Bengal, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees two hundred and forty-two crores, thirty-eight lakhs and seventy-eight thousand towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1964, in respect of the services and purposes specified in column 2 of the Schedule. Issue of
Rs.2,42.88,
78,000
out of the
Consoli-
dated
Fund of
West Ben-
gal for
the year
1963-64.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1964. Appro-
priation.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 25th March, 1963, Part IVA, page 588 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 27th March, 1963 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 28th March, 1963.

(Schedule.)

SCHEDULE.

(See Sections 2 and 3.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	A—Collection of Taxes, Duties and Other Principal Revenues.			
1	4—Taxes on Income other than Corporation Tax.	6,63,000	1,000	6,64,000
	9—Land Revenue			
2	AA—Capital Account of Compensation on the abolition of Zamindari System outside the Revenue Account.	7,51,45,000	10,000	7,51,55,000
	92—Payment of Compensation to landholders, etc., on the abolition of the Zamindari System.			
	Total—Grant No. 2 ...	7,51,45,000	10,000	7,51,55,000
	A—Collection of Taxes, Duties and Other Principal Revenues.			
3	10—State Excise Duties ...	53,39,000	1,000	53,40,000
4	11—Taxes on Vehicles ...	...	4,50,000	4,50,000
5	12—Sales Tax ...	31,14,000	3,000	31,17,000
6	13—Other Taxes and Duties ...	16,09,000	...	16,09,000
7	14—Stamps ...	13,92,000	...	13,92,000
8	15—Registration Fees ...	28,96,000	...	28,96,000
	B—Debt Services.			
9	16—Interest on Debt and other obligations	20,00,000	13,43,50,000	13,43,50,000
10	17—Appropriation for Reduction or Avoidance of Debt.	...	4,10,00,000	4,10,00,000

X of 1963.]

(Schedule.)

(See Sections 2 and 3.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	C—Administrative Services.			
11	18—Parliament and State Legislatures	32,15,000	76,000	32,91,000
12	19—General Administration ...	8,46,80,000	11,68,000	8,58,48,000
13	21—Administration of Justice ...	1,00,43,000	33,91,000	1,34,34,000
14	22—Jails ...	1,17,65,000	...	1,17,65,000
15	23—Police ...	10,71,27,000	1,000	10,71,28,000
16	26—Miscellaneous Departments—Fire Services.	45,76,000	...	45,76,000
17	26—Miscellaneous Departments—Excluding Fire Services.	1,77,28,000	2,000	1,77,30,000
	D—Social and Developmental Services.			
18	27—Scientific Departments ...	77,000	...	77,000
19	28—Education ...	21, 24,65,000	...	21,24,65,000
20	29—Medical ...	10,98,15,000	...	10,98,15,000
21	30—Public Health ...	3,44,46,000	...	3,44,46,000
22	31—Agriculture—Agriculture	8,72,33,000	...	8,72,33,000
	DD—Capital Account of Social and Developmental Services outside the Revenue Account.			
	95—Capital Outlay on Schemes of Agricultural Improvement and Research.			
	Total—Grant No. 22 ...	8,72,33,000	...	8,72,33,000
	D—Social and Developmental Services.			
23	31—Agriculture—Fisheries ...	34,87,000	...	34,87,000

(Schedule.)

(See Sections 2 and 3.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total
		Rs.	Rs.	Rs.
24	83—Animal Husbandry	4,92,44,000	...	4,92,44
	II—Miscellaneous Capital Account outside the Revenue Account.			
	124—Capital Outlay on schemes of Government Trading—Greater Calcutta Milk Supply Scheme.			
	Total—Grant No. 24 ...	4,92,44,000	...	4,92,44
25	D—Social and Developmental Services.	85,56,000	...	85,56,
	34—Co-operation ...			
26	35—Industries—Industries	3,72,41,000	...	3,72,41,
	DD—Capital Account of Social and Developmental Services outside the Revenue Account.			
	96—Capital Outlay on Industrial Development.			
	Total—Grant No. 26 ...	3,72,41,000	...	3,72,41,
27	D—Social and Developmental Services.	1,80,22,000	...	1,80,22,(
	35—Industries—Cottage Industries			
	DD—Capital Account of Social and Developmental Services outside the Revenue Account.			
	96—Capital Outlay on Industrial Development—Cottage Industries.			
	Total—Grant No. 27 ...	1,80,22,000	...	1,80,22,(

X of 1963.]

(Schedule.)

(See Sections 2 and 3.)

1	2	3		
		Sums not exceeding		
Grant No.	Services and purposes.	Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	D—Social and Developmental Services.			
28	35—Industries—Cinchona ...	28,85,000	...	28,85,000
	B—Debt Services.			
	16—Interest on Debt and other obligations—Community Development Projects, National Extension Service and Local Development Works.			
	D—Social and Developmental Services.			
	37—Community Development Projects, National Extension Service and Local Development Works.			
	FF—Capital Account of Public Works (including Roads) and Schemes of Miscellaneous Public Improvement outside the Revenue Account.			
29	109—Capital Outlay on Other Works—Community Development Projects, National Extension Service and Local Development Works.	2,94,19,000	49,65,000	3,43,84,000
	Public Debt.			
	Loans for Community Development Projects, National Extension Service and Local Development Works.			
	Loans and Advances by State Government.			
	Loans and Advances under Community Development Projects, National Extension Service and Local Development Works.			
	Total—Grant No. 29 ...	2,94,19,000	49,65,000	3,43,84,000

(Schedule.)

(See Sections 2 and 3.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total
		Rs.	Rs.	ltr.
	D—Social and Developmental Services.			
80	88—Labour and Employment ...	37,77,000	...	37,7
81	89—Miscellaneous Social and Developmental Organisations—Welfare of Scheduled Tribes and Castes and Other Backward Classes.	93,25,000	...	93,2
82	89—Miscellaneous Social and Developmental Organisations—Excluding Welfare of Scheduled Tribes and Castes and other Backward Classes.	1,33,21,000	...	1,33,2
	E—Multipurpose River Schemes, Irrigation and Electricity Schemes.			
	42—Multipurpose River Schemes			
	43—Irrigation, Navigation, Embankment and Drainage Works (Commercial).			
	44—Irrigation, Navigation, Embankment and Drainage Works (Non-Commercial).			
83	EE—Capital Account of Multipurpose River Schemes, Irrigation and Electricity Schemes outside the Revenue Account.	7,87,14,000	...	7,87,1
	98—Capital Outlay on Multipurpose River Schemes.			
	99—Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works (Commercial).			
	100—Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works (Non-Commercial).			
	Total—Grant No. 83 ...	7,87,14,000	...	7,87,1

[of 1963.]

(Schedule.)

(See Sections 2 and 3.)

1	2	3		
ant o.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	F—Public Works (Including) Roads and Schemes of Miscellaneous Public Improvements.			
34	50—Public Works ...	10,78,47,000	14,89,000	10,93,36,000
	G—Transport and Communications (Other than Roads).			
35	53—Ports and Pilotage ...	15,26,000	...	15,26,000
	I—Miscellaneous.			
36	64—Famine Relief ...	2,76,79,000	...	2,76,79,000
37	65—Pensions and Other Retirement Benefits.	1,81,92,000	2,41,000	1,84,33,000
	11—Miscellaneous Capital Account outside the Revenue Account.			
	120—Payments of Commuted Value of Pensions.			
	Total—Grant No. 37 ...	1,81,92,000	2,41,000	1,84,33,000
	I—Miscellaneous.			
38	67—Privy Purses and Allowances of Indian Rulers.	1,58,000	...	1,58,000
39	68—Stationery and Printing ...	94,84,000	...	94,84,000
40	70—Forest ...	1,85,44,000	...	1,85,44,000
41	71—Miscellaneous—Contributions ...	1,98,30,000	7,98,000	2,01,18,000

(Schedule.)

(See Sections 2 and 3.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
42	71—Miscellaneous—Other Miscellaneous Expenditure.			
	FF—Capital Account of Public Works (including Roads) and Schemes of Miscellaneous Public Improvements outside the Revenue Account.	8,18,41,000	4,58,000	8,22,99,0
	109—Capital Outlay on Other Works			
	Total—Grant No. 42 ...	8,18,41,000	4,58,000	8,22,99,0
	B—Debt Services.			
43	16—Interest on Debt and other obligations—Expenditure on displaced persons.			
	I—Miscellaneous.			
	71—Miscellaneous—Expenditure on displaced persons.			
	FF—Capital Account of Public Works (including Roads) and Schemes of Miscellaneous Public Improvements outside the Revenue Account.	5,18,20,000	37,35,000	5,50,55,0
	109—Capital Outlay on Other Works—			
	Expenditure on displaced persons			
	Public Debt.			
	Loans for displaced persons			
	Loans and Advances by State Government.			
	Loans and Advances to displaced persons			
	Total—Grant No. 43 ...	5,18,20,000	37,35,000	5,50,55,0

X of 1963.]

(Schedule.)

(See Sections 2 and 3.)

1 Grant No.	2 Services and purposes.	3 Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Con- solidated Fund.	Total.
		Rs.	Rs.	Rs.
	K—Extraordinary Items.			
44	77—Extraordinary charges ...	...	...	...
45	78—Pre-partition Payments ...	25,000	...	25,000
46	78A—Expenditure connected with the National Emergency, 1962.	1,66,02,000	...	1,66,02,000
	EE—Capital Account of Multipurpose River Schemes, Irrigation and Electri- city Schemes outside the Revenue Account.			
47	98—Capital Outlay on Multipurpose River Schemes—Damodar Valley Project.	16,95,06,000	...	16,95,06,000
	FF—Capital Account of Public Works (including Roads) and Schemes of Miscellaneous Public Improvements outside the Revenue Account.			
48	103—Capital Outlay on Public Works ...	8,68,19,000	10,000	8,68,29,000
	GG—Capital Account of Transport and Communications (Other than Roads) outside the Revenue Account.			
49	114—Capital Outlay on Road and Water Transport Schemes.	55,78,000	...	55,78,000
	II—Miscellaneous Capital Account outside the Revenue Account.			
50	124—Capital Outlay on Schemes of Govern- ment Trading.	14,18,67,000	...	14,18,67,000

(Schedule.)

(See Sections 2 and 3.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	Public Debt.			
51	Permanent Debt	...	16,67,76,000	16,67,76,000
	Floating Debt			
	Loans from Central Government (excluding loans for Community Development Projects, etc., and displaced persons).			
	Other Loans			
	Total—Grant No. 51 ...	...	16,67,76,000	16,67,76,000
	Loans and Advances by State Government.			
52	Loans and Advances by State Government	33,18,81,000	...	33,18,81,000
	Grand Total ...	2,06,69,58,000	35,69,20,000	2,42,38,78,000

West Bengal Act XI of 1963¹

THE WEST BENGAL APPROPRIATION (No. 2) ACT, 1963.

[30th March, 1963].

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1963.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1963 ;

It is hereby enacted in the Fourteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the West Bengal Appropriation (No. 2) Act, 1963. Short title.

2. From and out of the Consolidated Fund of West Bengal there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees six crores, seventy-two lakhs, eighty-one thousand and five hundred and sixty-seven towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1963, in respect of the services and purposes specified in column 2 of the Schedule. Issue of
Rupees
6,72,81,567
out of the
Consolidated Fund
of West
Bengal for
the year
1962-63.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1963. Appropriation.

¹For Statement of Objects and Reasons, see the *Colecutta Gazette, Extraordinary*, of the 26th March, 1963, Part IVA, page 586 (d); for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 28th March, 1963; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 29th March, 1963.

(Schedule.)

SCHEDULE.

(See sections 2 and 3.)

1	2	3		
		Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
Grant No.	Services and purposes.	Rs.	Rs.	Rs.
2	9—Land Revenue ... ..	...	6,000	6,000
3	10—State Excise Duties	2,44,000	363	2,44,363
7	14—Stamps	95,000	...	95,000
8	15—Registration Fees	1,48,000	935	1,48,905
9	16—Interest on Debt and other obligations.	...	16,64,000	16,64,000
12	19—General Administration	13,27,000	17,000	13,44,000
13	21—Administration of Justice ... ..	...	2,38,000	2,38,000
14	22—Jails	2,62,000	...	2,62,000
15	23—Police	50,05,000	9,561	50,14,561
16	26—Miscellaneous Departments—Fire Services.	5,58,950	...	5,58,950
19	28—Education	29,10,000	...	29,10,000
20	29—Medical	27,92,400	11,600	28,04,000
21	30—Public Health ... ..	...	69,700	69,700
31	39—Miscellaneous Social and Developmental Organisations—Welfare of Scheduled Tribes and Castes and other backward classes. ... ..	...	1,589	1,589
33	44—Irrigation, Navigation, Embankment and Drainage Works (Non-commercial) ... ..	...	1,000	1,000
34	50—Public Works	20,00,000	1,78,000	21,78,000
35	53—Ports and Pilotage	6,94,900	...	6,94,900
36	64—Famine Relief	2,64,09,000	1,811	2,64,10,811

(Schedule.)

(See Sections 2 and 3.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
37	65—Pensions and other Retirement benefits.	...	8,000	8,000
41	71—Miscellaneous—Contributions ...	1,70,60,000	5,000	1,70,65,000
42	71—Miscellaneous—Other Miscellaneous Expenditure.	...	1,12,000	1,12,000
	109—Capital Outlay on Other Works			
	Total—Grant No. 42 ...	...	1,12,000	1,12,000
43	16—Interest on Debt and other obligations—Expenditure on displaced persons.	9,86,000	11,08,000	20,94,000
	71—Miscellaneous—Expenditure on displaced persons. Public Debt—Loans for displaced persons.			
	Total—Grant No. 43 ...	9,86,000	11,08,000	20,94,000
45	78—Pre-emption payments ...	3,000	...	3,000
45A	78A—Expenditure connected with the National Emergency, 1972.	33,03,000	...	33,03,000
47	103—Capital Outlay on Public Works ...	...	32,000	32,000
49	124—Capital Outlay on Schemes of Government Trading.	...	18,788	18,788
	Grand Total ...	6,87,98,250	34,83,317	6,72,81,567

West Bengal Act XIII of 1963¹

[2nd April, 1963.]

THE WEST BENGAL SHOPS AND ESTABLISHMENTS ACT, 1963.

An Act to regulate holidays, hours of work, payment of wages and leave of persons employed in shops and establishments :

It is hereby enacted in the Thirteenth year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the West Bengal Shops and Establishments Act, 1963.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date* as the State Government may, by notification, appoint.

(4) It shall apply to the areas and to the classes of shops and establishments to which the Bengal Shops and Establishments Act, 1940 applied immediately before the commencement of this Act; and shall also apply to such other areas or to such other classes of shops or establishments as the State Government may, by notification, specify in this behalf.

Ben. Act
XVI of
1940.

Short title,
extent,
commence-
ment and
applica-
tion.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(1) “closed” means not open for the service of any customer or for any other purpose whatsoever relating to business ;

(2) “commercial establishment” means an advertising, commission, forwarding or commercial agency, or a clerical department of a factory or of any industrial or commercial undertaking, an insurance company, joint stock company, bank, broker's office or exchange, and includes such other class or classes of concerns or undertakings as the State Government may, after taking into consideration the nature of their work, by notification, declare to be commercial establishments, for

¹For Statement of Objects and Reasons and the Financial Memorandum, see the *Calcutt Gazette, Extraordinary*, of the 12th July 1962, Part IVA, page 2125 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 19th and 20th December, 1962 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 8th January, 1963.

*The Act came into force with effect from the 15th August, 1964, vide notification No. 9393-I.R./IR/1A-3.B1/78, dated the 3rd August, 1964, published in the *Calcutt Gazette* of 1964, Part I, page 2045.

[West Ben. Act

(Section 2.)

the purposes of this Act, but does not include a shop or an establishment for public entertainment or amusement ;

- (3) "day" means a period of twenty-four hours beginning at midnight ;
- (4) "employer" means a person owning or having charge of an establishment and includes an agent or a manager of, and any other person acting on behalf of, such person in the general management or control of such establishment ;
- (5) "establishment" means a commercial establishment or an establishment for public entertainment or amusement ;
- (6) "establishment for public entertainment or amusement" means a hotel, restaurant, eating-house, cafe, cinema, theatre and includes such other class or classes of concerns or undertaking as the State Government may, after taking into consideration the nature of their work, by ¹notification, declare to be, for the purposes of this Act, establishments for public entertainment or amusement, but does not include a shop or a commercial establishment ;
- (7) "half day" means a continuous period of five hours and a half,—
 - (i) in the case of a shop or an establishment for public entertainment or amusement, beginning at the commencement, or ending on the termination, of

**Amendme-
nt of sec-
tion 2 of
West Ben.
Act XIII
of 1963.** **2.** In section 2 of the West Bengal Shops and Establishments Act, 1963 (hereinafter referred to as the principal Act), in sub-clause (ii) of clause (7), the words "half past", in the two places where they occur, shall be omitted.

- (8) "lock out" and "strike" have the same meaning as in the Industrial Disputes Act, 1947 ; 14 of 1947
- (9) "notification" means a notification published in the *Official Gazette* ;
- (10) "person employed" used in relation to a shop or an establishment means a person wholly or principally employed in connection with the business of the shop or the establishment, but does not include an owner of the shop or the establishment or the husband, wife,

¹For notification declaring certain undertakings to be, for the purposes of the Act, establishments for public entertainment or amusement, see notification No. 3203-1.R/1R/1A-3(B)/63, dated the 27.7.64, published in the *Calcutta Gazette* of 1964 Part I, page 2013.

XIII of 1963.]

(Section 2.)

child, father, mother, brother or sister of such an owner who lives with, and is dependent on, such owner ;

(11) "prescribed" means prescribed by rules made under this Act ;

(12) "registering authority" means the Chief Inspector of Shops and Establishments or any other person appointed in this behalf by the State Government as the registering authority for any area ;

(13) "shop" means any premises used wholly or in part for the sale of services to customers or for the wholesale or retail sale of commodities or articles, either for cash or on credit, and includes any offices, store-rooms, godowns or warehouses, whether in the same premises or elsewhere, used in connection with such sale or with the storage of commodities or articles for the purpose of such sale and also includes such other class or classes of premises as the State Government may, after taking into consideration the nature of the work carried on there, by notification, declare to be shops for the purposes of this Act, but does not include an establishment.

Explanation.—If any doubt arises as to whether any premises are a shop or a commercial establishment or an establishment for public entertainment or amusement, the question shall be referred to the State Government by the registering authority, *suo motu* or on application, and the decision of the State Government thereon shall be final ;

(14) "shop-keeper" means a person owning or having charge of the business of a shop, and includes an agent or manager of, and any other person acting on behalf of, such person in the general management or control of a shop ;

4 of 1936. (15) "wages" means wages as defined in the Payment of Wages Act, 1936 ;

Page 461—

In clause (16) of section 2, for the words "beginning at midnight on Sunday", substitute the words "beginning at midnight on Tuesday".

beginning at his fifteenth

(Substituted by West Ben. Act VII of 1965, section 2.)

[No. 2, dated the 1st May, 1970.] persons as registering authorities for the purposes of the Act for the areas specified, see notification No. 8204-1R/1R/1A-8(B)/63, dated the 27.7.64, published in the *Calcutta Gazette* of 1964, Part I, page 2043.

[West Ben. Act

(Sections 3, 4.)

References
to time of
day.

3. References to time of day in this Act shall be deemed to be references to Indian standard time, which is five and a half hours ahead of Greenwich mean time.

Act or
some of
its provi-
sions not
applicable
to certain
establis-
ments,
shops and
persons.

4. (1) This Act shall not apply to—

- (a) offices of or under the Central or State Government, the Reserve Bank of India, any railway administration or any local authority ;
- (b) any railway service, airways service, water transport service, tramway or motor service, postal, telegraph or telephone service, any system of public conservancy or sanitation or any industry, business or undertaking which supplies power, light or water to the public ;
- (c) institutions for the treatment or care of the sick, infirm, destitute or mentally unfit ;
- (d) shops or stalls in any public fair or *bazar* held for a charitable purpose ; or
- (e) stalls and refreshment rooms at railway stations, docks, wharves or airports.

(2) The State Government may, if it thinks fit so to do in the public interest, by notification, exempt, subject to such conditions, if any, as may be specified in the notification, from the operation of any of the provisions of this Act other than those of sections 8, 9 and 10—

- (a) any class or classes of shops or establishments either generally or on such occasion or occasions, in such area or areas and for such period or periods as may be specified in the notification ;
- (b) any class or classes of persons employed in a shop or an establishment,—
- (i) in a managerial or confidential capacity, or

¹(1) For notification exempting certain classes of shops and establishments from the operation of the provisions of the Act specified, subject to the condition mentioned, see notification No. 3205-1.R./1R/1A-3(B)/63 dated 27.7.64, published in the *Calcutta Gazette* of 1964, Part I, pages 2043-2044.

(2) For notification exempting all shops and establishments from the operation of the provisions of sec. 16 of the Act for a period of 90 days with effect from the 15. 8. 64, see notification No. 3394-1.R./1R/1A-3(B)/64, dated 8. 8. 64, published in the *Calcutta Gazette* of 1964, Part I, page 2445.

(3) For notification relating to exemption from certain sections and sub-sections of the Act of shops within the municipal area of Nabadwip for a certain period, see notification No. 3638-1.R./1R/75-18/64, dated 19. 8. 64, published in the *Calcutta Gazette* of 1964, Part I, page 2428.

(4) For notification exempting all classes of shops situated in all the areas from the operation of sections 5 (1) and 4 (1) of the Act, for a fixed period, see notification No. 4214-1.R./1R/78-27/64, dated 15. 9. 64, published in the *Calcutta Gazette, Extraordinary* of 1964, Part I, page 2317.

XIII of 1963.]

(Sections 5, 6.)

(ii) as a traveller, canvasser, messenger, watchman or care-taker, or

(iii) exclusively in connection with customs examination, collection, despatch, delivery or conveyance of goods from or to booking offices for transport by rail, road or air, docks, wharves or airports.

5. (1) In each week,—

Holidays
in shops
and estab-
lishments.

(a) every shop or commercial establishment shall remain entirely closed on, and

(b) every person employed in a shop or an establishment shall be allowed as holiday,

at least one day and a half day next preceding or next following such day.

(2) No deduction on account of any holiday allowed under sub-section (1) shall be made from the wages of any person employed in a shop or an establishment, and even if such person is employed on the basis of 'no work, no pay', he shall be paid for such holiday the wages which he would have been entitled to had he not been allowed the holiday.

(3) The day and the half day during which a shop or an establishment shall be entirely closed in each week under clause (a) of sub-section (1) shall, subject to the provisions of sub-section (4), be determined from time to time by the shop-keeper or employer, as the case may be, and shall be specified by him in a notice, which shall be displayed in a conspicuous place in the shop or the establishment :

Provided that the day and the half day so determined shall not be altered more than once in any year.

(4) The State Government may, if it thinks fit so to do in the public interest, by notification, specify any particular area and the day and the half day during which all or any class or classes of shops or establishments in such area shall be entirely closed under clause (a) of sub-section (1), and thereupon the provisions of sub-section (3) shall apply to the day and the half day so specified as if they were determined under sub-section (3) by the shop-keeper or employer of every shop or establishment of such class or classes in such area.

6. (1) In no shop shall the hour of opening be earlier than eight o'clock *ante meridiem* or the hour of closing be later than eight o'clock *post meridiem* :

Hours of
work in
shops.

(Section 7.)

Provided that if the State Government or any officer empowered in this behalf by the State Government thinks fit so to do in the public interest, the State Government or such officer may, by ¹notification, change such limits of the hours of opening and closing of shops, either generally or for any particular area or fix uniform hours of opening and closing of all or any class or classes of shops in any particular area.

(2) No person employed in a shop shall be required or permitted to work in such shop for more than eight hours and a half in any one day or for more than forty-eight hours in any one week or after the hour of closing of such shop :

Provided that in any day and in any week in which stock-taking, making up accounts or such other business operation as may be prescribed takes place in any shop, a person employed in the shop may be required or permitted to work overtime in such shop so, however, that—

(i) the total number of hours of his work including overtime work shall not exceed ten hours in any one day, and

(ii) the total number of hours worked overtime by him shall not exceed one hundred and thirty.

3. In section 6 of the principal Act, in sub-section (3), for the words "six hours", the words "five hours and a half" shall be substituted.

Amendment of section 6.

(4) The periods of work and intervals for rest of every person employed in a shop shall be arranged by the shop-keeper so that together they do not extend over more than ten hours and a half in any one day.

Hours of work in establishment.

7. (1) In no hotel, restaurant, eating-house or cafe shall the hour of closing be later than eleven o'clock *post meridiem*.

(2) No person employed in an establishment shall be required or permitted to work in such establishment for more than eight hours and a half in any one day or for more than forty-eight hours in any one week or after the hour of closing of such establishment :

Provided that a person employed in an establishment may be required or permitted to work overtime in such establishment so, however, that—

¹For notification relating to change, in respect of the classes of shops specified, the limits of the hours of opening and closing, see: notification No. 3206-1.R./1R/1A-9(B)/64, dated the 27.7.64, published in the *Calcutta Gazette* of 1964, Part I, page 2044.

XIII of 1963.]

(Sections 8—11.)

(i) the total number of hours of his work including over-time work shall not exceed ten hours in any one day, and

(ii) the total number of hours worked overtime by him shall not exceed one hundred and twenty hours in

**Amend-
ment of
section 7.**

4. In section 7 of the principal Act, in sub-section (3), for the words "six hours", the words "five hours and a half" shall be substituted.

**Insertion
of new sec-
tion 8A.**

5. After section 8 of the principal Act, the following section shall be inserted:—

(4) The periods of work and rest of a person employed in an establishment shall be arranged by the employer of such person so that together they do not extend over more than ten hours and a half in any one day.

8. Notwithstanding anything contained elsewhere in this Act,—

**Special
provisions
for young
persons.**

(a) no young person employed in a shop or an establishment shall be required or permitted to work in such shop or establishment for more than seven hours in

**"Benefits under
other laws.**

8A. Notwithstanding anything contained in this Act, benefits admissible to a young person under any other law in force for the time being shall also be enjoyed by a young person under this Act in addition to, and not in derogation of, the benefits provided under this Act.

Explanation.—For the purpose of this section, the benefits admissible under any other law in force shall include the facility of school education and entitlement of residence in the place of work."

**Restriction
on employ-
ment of
children.**

10. No young person shall be required or permitted to work in any shop or establishment after eight o'clock *post meridiem* and no woman shall be allowed or permitted to work—

**Restriction
on employ-
ment of
young
persons or
women.**

(a) in any establishment for public entertainment or amusement other than a cinema or a theatre, after six o'clock *post meridiem*, or

(b) in any shop or commercial establishment, after eight o'clock *post meridiem*.

11. A person employed in a shop or an establishment shall be entitled— **Leave.**

(a) for every completed year of continuous service, to privilege leave on full pay for fourteen days,

[West Ben. Act

(Sections 12, 13.)

- (b) in every year, to sick leave on half pay for fourteen days on medical certificate obtained from a medical practitioner registered under the Bengal Medical Act, 1914, or any other law for the time being in force,
- (c) in every year, to casual leave on full pay for ten days, and
- (d) in the case of women, to maternity leave in accordance with such rules as may be prescribed :

Provided that—

- (i) privilege leave admissible under clause (a) may be accumulated up to a maximum of not more than twenty-eight days ;
- (ii) sick leave admissible under clause (b) may be accumulated up to a maximum of not more than fifty-six days ; and
- (iii) casual leave admissible under clause (c) shall not be accumulated.

Explanation.—In calculating any leave due under this Act, employment in any shop or establishment before the application of this Act shall be taken into account.

Person employed to be entitled to wages for the period of privilege leave in case of termination of service.

12. Any person employed in a shop or an establishment whose services are terminated by or under the orders of the shop-keeper or the employer shall be entitled to wages for the period of privilege leave due to his credit at the time of such termination.

Wages for overtime work.

13. When any person employed in a shop or an establishment is required or permitted to work overtime in such shop or establishment, the wages payable to such person in respect of such overtime work shall be calculated at the rate of one and one-half times of the ordinary rate of wages payable to him, and such ordinary rate of wages shall be calculated in such manner as may be prescribed :

Provided that this section shall not operate to the prejudice of any higher rate of overtime wages granted under any agreement, award, custom or convention.

Explanation.—For the purpose of this section 'overtime work' shall include any work done on any day declared by¹ notification by the State Government to be a National holiday.

¹For notification declaring certain days to be National holidays, see notification No. 39071.R./1R/1A-3(B)/63, dated the 27th July, 1964, published in the *Calcutta Gazette* of 1964, Part I, page 2045.

The West Bengal Shops and Establishments Act, 1963. 467

XIII of 1963.]

(Section 14.)

14. (1) All wages payable to a person employed in a shop or an establishment shall be paid not later than the tenth day of the month immediately succeeding that in respect of which such wages are payable. Payment and recovery of wages.

(2) Where any deduction has been made from the wages of any person employed in a shop or an establishment or any payment of wages to such person has not been made within the date referred to in sub-section (1), such person may, within a period of six months from the date on which the deduction from the wages was made or from the date referred to in sub-section (1), as the case may be, make an application to such officer or authority as the State Government may, by ¹notification, appoint in this behalf, for an order under sub-section (3) :

Provided that an application under this section may be admitted after the said period of six months if the applicant satisfies the officer or authority that he had sufficient cause for not making the application within such period.

(3) The officer or authority to whom or to which an application under sub-section (2) is made may, after giving the applicant and the shop-keeper or employer concerned an opportunity of being heard and after making such further inquiry, if any, as may be necessary, by order, direct, without prejudice to any other action which may, under this Act or any other law, lie against the shop-keeper or employer, the payment to the applicant of the amount deducted from the wages or of the wages due, together with such compensation, not exceeding ten times the amount deducted in the former case and not exceeding ten rupees in the latter, as the officer or authority may think fit :

Provided that no direction for the payment of compensation shall be made in the case of delay in the payment of wages if the officer or authority is satisfied that the delay was due to—

- (a) a *bona fide* error or *bona fide* dispute as to the amount payable to the applicant, or
- (c) the occurrence of an emergency, or the existence of exceptional circumstances, such that the shop-keeper or the employer, as the case may be, was unable, though exercising reasonable diligence, to make prompt payment, or
- (c) the failure of the applicant to apply for or accept payment.

¹For notification appointing certain officers to be, within the local limits of their respective jurisdictions, the officers for the purposes of section 14 of the Act, see notification No. 3208-1.R./1B/1A-3 (B)/68, dated the 27. 7.64, published in the *Calcutta Gazette* of 1964, Part I, page 2045.

[West Ben. Act

(Section 15.)

(4) If on hearing any application made under sub-section (2), the officer or authority is satisfied that it was either malicious or vexatious, the officer or authority may, by order, direct that a penalty not exceeding fifty rupees be paid by the applicant to the shop-keeper or employer concerned.

(5) Any amount directed to be paid by an order under sub-section (3) or sub-section (4) may be recovered by any Magistrate to whom the officer or authority making the order makes application in this behalf as if it were a fine imposed by such Magistrate.

(6) An appeal shall lie from an order of the officer or authority dismissing any application made under sub-section (2) or giving any direction under sub-section (3) or sub-section (4), if made within thirty days of the date on which the order was made,—

(a) where the shop or establishment concerned is situated in any area within Calcutta as defined in the Calcutta Police Act, 1866, to the Court of Small Causes, Calcutta, and

(b) where it is situated in any other area, to the Munsif having jurisdiction over such other area.

(7) Nothing in this section shall apply to any person to whom the Payment of Wages Act, 1936, applies under section 1 of that Act.

Notice of
termina-
tion
of services.

15. (1) No person shall, after completing one year of continuous service in any shop or establishment, have his services terminated, without sufficient cause, unless he has been given one month's notice in writing or has been paid one month's wages in lieu of such notice.

Explanation.—For the purposes of this section and section 11—

(i) continuous service includes any holiday, authorised leave or period of any strike which is not illegal or of any lock out ;

(ii) in computing a completed year of continuous service, section 25B of the Industrial Disputes Act, 1947 shall, *mutatis mutandis*, apply.

(2) Any person employed in a shop or an establishment, whose services have been terminated in contravention of the provisions of sub-section (1), may make an application to a Presidency Magistrate or a Magistrate of the first class alleging such termination. The Magistrate, if satisfied that there is a *prima facie* case showing that the services of the applicant have been terminated without sufficient cause, shall issue a notice to the person registered for the time being as

XIII of 1963.]

(Section 16.)

the shop-keeper or the employer under section 16, to appear in person or by an agent authorised by such shop-keeper or employer in writing in this behalf and show cause why proceedings shall not be taken against such shop-keeper or employer under this section and may, after giving him or such agent an opportunity of being heard, and after recording the reasons in writing, direct that such shop-keeper or employer shall pay one month's wages as compensation and thereupon such shop-keeper or employer shall pay to the applicant the amount of compensation so directed to be paid.

(3) The amount of compensation payable under this section shall, for purposes of its recovery, be deemed to be a fine imposed under this Act.

(4) The provisions of sub-sections (2) and (3) shall be in addition to, and not in derogation of, the provisions of section 21 or any other law for the time being in force and nothing in sub-section (2) of section 22 shall be deemed to require any complaint to be made under that sub-section before an application is made under sub-section (2).

16. (1) Every shop-keeper or employer shall—

(i) in the case of shops or establishments in existence on the date on which this Act applies—within such date as the State Government may, by notification, specify, and

(ii) in the case of new shops or establishments, if this Act applies—within such period as may be

Registra-
tion of
shops and
establish-
ments.

Amend-
ment of sec-
tion 16 of
West Ben.
Act XIII
of 1963.

2. In section 16 of the West Bengal Shops and Establishments Act, 1963,—

(a) in sub-section (1), the words “, not exceeding on rupee,” shall be omitted;

contain—

- (a) the name of the shop-keeper or the employer ;
- (b) the postal address of the shop or the establishment ;
- (c) the name of the shop or the establishment ;
- (d) declaration of weekly closing days in the case of a shop ;
- (e) such other particulars as may be prescribed.

The registering authority on being satisfied about the correctness of the particulars, shall register the shop or the establishment in such manner as may be prescribed and shall issue a certificate of registration in the prescribed form to the shop-keeper or the employer.

(2) The registering authority shall maintain a Register of Shops and Establishments in the prescribed form.

[West Ben. Act

(Sections 17, 18.)

(3) Every shop-keeper or employer shall display the certificate of registration issued under sub-section (1) in a conspicuous place in the shop or the establishment.

(4) (a) Every shop-keeper or employer shall inform the registering authority in the prescribed form of any change in respect of any particulars contained in the application under sub-section (1) within seven days after the change has taken place :

Provided that the declaration of weekly closing days in the case of a shop shall not be changed more than once in any year.

(b) The registering authority, on receipt of such information and on payment of such fee, not exceeding one rupee, as may be fixed by the Government, shall, if satisfied that the information is correct, register the shop or establishment and issue a fresh certificate of registration, if necessary.

(5) A shop-keeper or an employer shall, within fifteen days of the winding up of the business, apply to the registering authority for the cancellation of the certificate of registration.

Amendment of section 16.

9. In section 16 of the principal Act, in sub-section (5), after the words "the registering authority", the words "and the employees of the shop or the establishment, as the case may be," shall be inserted.

10. In section 16 of the principal Act, in sub-section (5), after the words "the registering authority", the words "and the employees of the shop or the establishment, as the case may be," shall be inserted.

(6) A shop-keeper or an employer shall apply to the registering authority in such form as may be prescribed, for the renewal of the certificate of registration, not exceeding one rupee, shall be omitted.

11. In section 16 of the principal Act, in sub-section (5), after the words "the registering authority", the words "and the employees of the shop or the establishment, as the case may be," shall be inserted.

Shop-keepers and employers to maintain and keep records, etc.

17. (1) In every shop or establishment, the shop-keeper or employer concerned shall, for the purposes of this Act, maintain and keep a register of employees in the prescribed form and such other registers, records and documents, and display such notices as may be prescribed and produce them on demand by the Inspector.

(2) The register of employees maintained and kept under sub-section (1) may, from time to time, be inspected and signed by the persons employed in the shop or establishment.

Persons employed to be furnished with letter of appointment.

18. Every shop-keeper or employer shall furnish every person employed in his shop or establishment with a letter of appointment in such form as may be prescribed.

XIII of 1963.]

(Sections 19—21.)

19. (1) The State Government may, by notification, appoint such persons or such class of persons as it thinks fit to be Inspectors for the purposes of this Act.

Appoint-
ment of
Inspectors.

Act XLV
of 1860.

(2) All Inspectors appointed under sub-section (1) shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

20. Subject to rules made under this Act, an Inspector appointed under section 19 may, within the local limits for which he is appointed,—

Powers of
Inspectors.

(a) enter, at all reasonable hours, with such assistants, if any, as he may consider necessary, being persons in the service of the Government, any premises or place, where he has reason to believe there is a shop or an establishment, for inspecting any certificate of registration, records, registers, documents or notices required to be displayed, or maintained and kept under this Act or the rules made thereunder and require the production thereof for inspection ;

(b) examine any person whom he finds in any such premises or place and who, he has reasonable cause to believe, is a person employed in the shop or the establishment ; and

(c) seize, when so authorised under orders of such superior officer as may be prescribed, or take copies of such registers, records, documents or notices or portions thereof as he may consider relevant in respect of an offence under this Act which he

Amend-
ment of
Section 21.

10. In section 21 of the principal Act, for sub-section (1), the following sub-sections shall be substituted :—

“(1) Whoever contravenes any of the provisions of sections 16 and 17 shall be punishable with fine which may extend to three hundred rupees.

(1A) Whoever contravenes any of the provisions of sections 5 to 13, section 15 and section 18 shall be punishable with fine which may extend to five hundred rupees and, in case of any subsequent contravention after first conviction, with imprisonment for a term which may extend to three months

Provided that for the purpose of this sub-section no cognizance shall be taken of any conviction upon complaint of an Inspector made more than two years before the date on which the commission of the offence which is being punished came to the knowledge of the Inspector.”.

472 *The West Bengal Shops and Establishments Act, 1963.*

[West Ben. Act XII of 1963.]

(Sections 22—26.)

Procedure. 22. (1) No Court inferior to a Presidency Magistrate or a Magistrate of the first class shall try an offence punishable under this Act.

(2) No Court shall take cognizance of an offence punishable under this Act except upon complaint made by an Inspector appointed under section 19 :

Provided that such complaint shall, in the case of offences punishable under sub-section (2) of section 21, be made with the prior approval of the State Government.

Immunity. 23. No suit, prosecution or legal proceeding shall lie against any person in respect of anything in good faith done or intended to be done under this Act or the rules made thereunder.

Saving of certain rights and privileges. 24. Nothing in this Act shall affect any right or privilege to which any person employed in any shop or establishment is entitled on the date of the commencement of this Act under any law for the time being in force or under any contract, custom or usage which is in force on that date, if such right or privilege is more favourable to him than any right or privilege conferred upon him by this Act or granted to him at the time of appointment.

Power to make rules. 25. (1) The State Government may, after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) any matter which may be or is required to be prescribed under this Act ;

(b) the manner of appointment and qualifications of Inspectors appointed under section 19.

(3) Any rule made under this section may provide that any person committing a breach thereof shall, on conviction, be punishable with fine, which may extend to one hundred rupees, and where the breach is a continuing one, with a further fine which may extend to twenty-five rupees, for every day, after the first, during which the breach continues.

Repeal. 26. The Bengal Shops and Establishments Act, 1940, is hereby repealed :

Provided that any weekly closing days or any working hours fixed under that Act and in force immediately before the commencement of this Act, may be continued for a period not longer than three months after such repeal.

Ben. Act
XVI of
1940.

¹For the West Bengal Shops and Establishments Rules, 1964, see notification No. 2911-I.R./1R-1(B)/64, dated 13. 7. 64, published in the *Calcutta Gazette, Extraordinary* of 1964, part I, page 2427.

West Bengal Act XVII of 1963¹

THE BIHAR TENANCY (WEST BENGAL AMENDMENT) ACT, 1963.

[3rd May, 1963.]

An Act to amend the Bihar Tenancy Act, 1885, in its application to West Bengal.

VIII of
1885.

WHEREAS it is expedient to amend the Bihar Tenancy Act, 1885, in its application to West Bengal, for the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Fourteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the Bihar Tenancy (West Bengal Amendment) Act, 1963. Short title.

2. The Bihar Tenancy Act, 1885 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be amended for the purpose and in the manner hereinafter provided. Application of the Act.

3. In the proviso to clause (1) of section 3 of the said Act, for the words “the year commencing from the first day of April” the words “the Bengali year commencing on the first day of *Baisakh*” shall be substituted. Amendment of section 3 of Act VIII of 1885.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 28th February, 1963, Part IVA, page 488 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 3rd April, 1963 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 25th March, 1963.

West Bengal Act XXIV of 1963¹

THE WEST BENGAL LAND-REVENUE AND CESS (APPORTIONMENT) ACT, 1963.

[11th September, 1963.]

An Act to apportion or determine the land-revenue and the cess payable in respect of certain lands in West Bengal.

WHEREAS as a result of the transfer of certain territories from the State of Bihar to the State of West Bengal by the Bihar and West Bengal (Transfer of Territories) Act, 1956, lands comprised in some revenue-paying and some revenue-free estates have fallen partly in the State of Bihar and partly in the State of West Bengal ;

AND WHEREAS it is expedient to apportion or determine the land-revenue and the cess payable in respect of such lands which are now included in West Bengal ;

It is hereby enacted in the Fourteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the West Bengal Land-Revenue and Cess (Apportionment) Act, 1963.

Short title
and extent.

(2) It extends to the whole of West Bengal.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(a) "Collector" includes an officer who may be appointed by the State Government to discharge the functions of a Collector under this Act ;

(b) "prescribed" means prescribed by rules made by the State Government under this Act.

3. (1) The Collector shall, after giving notice to the persons concerned, apportion or determine the land-revenue and cess, or the cess payable in respect of such of the lands comprised in revenue-paying or revenue-free estates, as the case may be, which have been included in West Bengal as a result of transfer of certain territories from the State of Bihar to the State of West Bengal by the Bihar and West Bengal (Transfer of Territories) Act, 1956, in such manner and in accordance with such principles as may be prescribed.

Apportion-
ment or
determina-
tion of
land-
revenue
and cess.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette*, Extraordinary, of the 29th July, 1963, Part IVA, page 2270 (c) ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 19th August, 1963 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 28th August, 1963.

[West Ben. Act XXIV of 1963].

(Sections 4—6.)

(2) The land-revenue and the cess apportioned or determined under sub-section (1) shall be notified in such manner as may be prescribed.

Appeal.

4. (1) Any person aggrieved by the apportionment or determination of land-revenue and cess under section 3 may, within such time as may be prescribed, appeal,—

(a) to the Collector of the district, when apportionment or determination is made by an officer other than the Collector of the district, and

(b) to the Divisional Commissioner, when apportionment or determination is made by the Collector of the district.

(2) The decision of the Appellate Officer on such appeal shall be final and no civil court shall have jurisdiction in respect of the apportionment or determination of land-revenue and cess under this Act.

Date of coming into force of apportionment or determination.

5. The land-revenue and cess apportioned or determined under this Act shall, notwithstanding anything contained in any other law for the time being in force, be deemed to have come into force on and from the first day of November, 1956.

Power to make rules.

6. (1) The State Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the manner of, and the principles for, apportioning or determining land-revenue and cess in respect of lands referred to in section 3 and the manner of notifying such land-revenue and cess ;

(b) the time within which an appeal under section 4 shall be made ;

(c) the fees, if any, payable on petitions of appeal and the procedure to be followed in respect of such appeals.

West Bengal Act XXVI of 1963¹

THE WEST BENGAL LOCAL AUTHORITIES (POSTPONEMENT OF ELECTIONS) REPEALING ACT, 1963.

[17th September, 1963].

An Act to repeal the West Bengal Local Authorities (Postponement of Elections) Act, 1963.

West Ben.
Act XIX
of 1963.

WHEREAS it is expedient to repeal the West Bengal Local Authorities (Postponement of Elections) Act, 1963, and to validate certain steps taken for holding certain elections during the continuance in force of that Act ;

It is hereby enacted in the Fourteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the West Bengal Local Authorities (Postponement of Elections) Repealing Act, 1963. Short title and extent.

(2) It extends to the whole of West Bengal.

2. (1) The West Bengal Local Authorities (Postponement of Elections) Act, 1963 (hereinafter referred to as the said Act), is hereby repealed. Repeal and savings.

(2) Subject to the provisions of section 3, such repeal shall not affect any thing, action, right, privilege, obligation or liability done, taken, acquired, accrued or incurred or suffered to be done, taken, acquired, accrued or incurred under the said Act.

3. It is hereby declared that anything done or any action taken for or in connection with the holding of an election or any election held after the commencement of the said Act and before the coming into operation of this Act shall, notwithstanding anything contained in the said Act, be deemed to have been as validly done, taken or held, as the case may be, as if this Act had been in operation when such thing was done, such action was taken or such election was held. Validity of certain steps taken.

Explanation.—In this section “election” has the same meaning as in the said Act.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette*, Extraordinary, of the 27th August, 1963, Part IVA, page 2746 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 2nd September, 1963 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 5th September, 1963.

West Bengal Act XXVIII of 1963
THE WEST BENGAL URBAN PRIMARY EDUCATION ACT 1963.

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West Bengal Act XXVIII OF 1963¹

THE WEST BENGAL URBAN PRIMARY EDUCATION ACT, 1963.

[8th October, 1963].

An Act to provide for free and compulsory primary education in Municipalities in West Bengal.

WHEREAS it is expedient to provide for free and compulsory primary education in Municipalities in West Bengal ;

It is hereby enacted in the Fourteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

CHAPTER I.

Preliminary.

1. (1) This Act may be called the West Bengal Urban Primary Education Act, 1963. Short title and extent.

(2) It extends to all Municipalities in West Bengal.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) “to attend recognised primary school” means to be present for instruction at such school for so many and on such days in the year and at such time or times on each day as may be determined by the School Committee for such school, subject to such rules as may be made under section 16 and to the orders of the Education Department of the State Government ;

(b) “child” means a boy or girl who is not less than six years and not more than eleven years of age or of other prescribed age ;

(c) “Commissioners” mean the persons for the time being appointed or elected to conduct the affairs of a Municipality constituted under the Bengal Municipal Act, 1932, or the Cooch Behar Municipal Act, 1944, and include the Councillors and Aldermen of the Corporation in Chandernagore established under the Chandernagore Municipal Act, 1955 ;

Bon. Act
XV of
1932.
Cooch
Behar Act
III of
1944.
West Ben.
Act XVIII
of 1955.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, of the 16th July, 1963, Part IVA, page 2033 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 19th, 20th, 21st, 22nd, 23rd and 26th August, 1963 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meetings of that Council held on the 30th August and the 3rd, 4th, 6th and 9th September, 1963.

[West Ben. Act

(Chapter II.—Free and compulsory primary education in urban areas.—Section 3.)

- (d) “guardian” means any person on whom the care, nurture or custody of any child falls by law or by natural right or recognised usage, or who has accepted or assumed the care, nurture or custody of any child or to whom the care or custody of any child has been entrusted by any lawful authority ;
- (e) “Municipality” means any place in which the Bengal Municipal Act, 1932, or the Cooch Behar Municipal Act, 1944, is in force, and includes Chandernagore as defined in the Chandernagore Municipal Act, 1955 ;
- (f) “prescribed” means prescribed by rules made under section 16 ;
- (g) “primary education” means such elementary education as may, from time to time, be laid down by the Education Department of the State Government by notification in the *Official Gazette*, for primary schools, junior basic schools or for any other type of schools for children ;
- (h) “recognised primary school” means a school or a department of a school appropriated to primary education and for the time being recognised by the Education Department of the State Government for the purposes of such education ;
- (i) “School Committee” means a Committee constituted under section 6.

Ben. Act :
of 1932.
Cooch Be
Act III of
1944.

West Ben
Act XVII
of 1955.

CHAPTER II.

Free and compulsory primary education in urban areas.

Statement
to be
submitted
by
Commis-
sioners.

3. Within one year from the commencement of this Act or within such other period as may be specified by the State Government in this behalf, by notification in the *Official Gazette*, the Commissioners of every Municipality shall submit to the State Government a detailed statement, in such form as may be prescribed, containing the following particulars in respect of the Municipality, namely :—

- (a) the number of children within the Municipality ;
- (b) the school accommodation and the staff of, and the attendance at, existing primary schools ;
- (c) the school accommodation, staff and equipment required if suitable and adequate provision were to be made for the free and compulsory primary education of all children referred to in clause (a) ;

XXVIII of 1963.]

(Chapter II.—Free and compulsory primary education in urban areas.—Section 4.)

- (d) the manner in which and the periods within which it will be possible to provide the necessary school accommodation, staff and equipment referred to in clause (c) under the direct management and control of the Commissioners of the Municipality ;
- (e) the expenditure incurred by the Commissioners of the Municipality on primary education and the expenditure to be incurred annually in order to provide such school accommodation, staff and equipment ;
- (f) the receipts already available, and the income including the estimated receipts from any education cess that may be imposed under section 15, to meet such expenditure ; and
- (g) the amount of grant or assistance from the Government which the Commissioners of the Municipality consider would be necessary to enable them to provide for free and compulsory primary education within the Municipality, or any part thereof.

4. (1) The State Government may, after considering the statement submitted under section 3 and the conditions, and the resources of the Commissioners, of the Municipality, and after determining the amount of financial assistance from the State Government which may be necessary in order to provide for free and compulsory primary education within the Municipality or any part thereof, direct the Commissioners of the Municipality to provide the necessary school accommodation, staff and equipment for all children likely to attend primary schools within the Municipality or any part thereof, as the case may be, and to assume direct management and control of schools established for the purpose.

Primary education when to be declared free and compulsory.

(2) Notwithstanding anything contained in sub-section (1), the State Government may, at any time, by order, direct the Commissioners of a Municipality to submit to it, within such time as may be specified in the order, a scheme prepared in such manner as may be prescribed for free and compulsory primary education within the Municipality or any part thereof for all children resident therein.

(3) The State Government, after considering the scheme referred to in sub-section (2) and after determining the financial assistance from the State Government which may be necessary to provide for free and compulsory primary education within the Municipality, may sanction such scheme with or without modification.

[West Ben. Act

(Chapter II.—Free and compulsory primary education in urban areas.—Sections 5, 6.)

(4) When a direction has been given under sub-section (1) or a scheme has been sanctioned under sub-section (3), the Commissioners of the Municipality concerned shall cause a notification to be issued declaring that primary education shall be free and compulsory for all children within the Municipality or any part thereof, as the case may be.

(5) Every notification issued under sub-section (4) shall be published in the *Official Gazette* and shall be posted up at the Municipal office and at such other places, as the Commissioners of the Municipality shall deem necessary, specifying the date on and from which primary education shall be free and compulsory within the Municipality, or any part thereof.

(6) When primary education has been declared free and compulsory in any Municipality, or any part thereof, the Commissioners of the Municipality shall—

(a) maintain such administrative machinery as may be prescribed ; and

(b) spend every year for the purposes of free and compulsory primary education within such Municipality or part—

(i) the proceeds of the education cess imposed therein during that year under section 15, and also all moneys received by them during that year, including the income accruing from any fund held by them, for the said purposes ; and

(ii) such amount as they spent for primary education therein during the year preceding the commencement of this Act.

Explanation.—In this clause “year” has the same meaning as in the Bengal Municipal Act, 1932.

Ben. Act
XV of
1932.

Adminis-
trative
Officer.

5. (1) The State Government may appoint a person who is in the service of the State Government as Administrative Officer for the implementation of the provisions of this Act in a Municipality or any part thereof, where primary education has been declared free and compulsory.

(2) The Administrative Officer shall exercise such powers, perform such functions and discharge such duties as may be prescribed.

Constitu-
tion of
School
Committee.

6. When a notification has been issued in any Municipality under sub-section (4) of section 4, the Commissioners of the Municipality concerned shall appoint a School Committee, to be constituted in such manner as may be prescribed, for the control and management of primary schools within the Municipality and thereupon any Education Committee constituted under the Bengal Municipal Act, 1932, or the Chandernagore Municipal

XXVIII of 1963.]

(Chapter II.—Free and compulsory primary education in urban areas.—Sections 7—9.)

West Ben.
Act XVIII
of 1955.

Act, 1955, as the case may be, shall cease to have any jurisdiction whatsoever in respect of primary schools within such Municipality.

7. (1) In the area referred to in the notification issued under sub-section (4) of section 4, it shall be the duty of the guardian of every child, residing within that area, to cause such child to attend a recognised primary school unless, in the opinion of the School Committee, there is a reasonable excuse for the non-attendance of the child.

Duty of
guardian
to send
child to
school.

(2) Any of the following circumstances shall be deemed to be a reasonable excuse within the meaning of this section, namely :—

- (a) that there is no recognised primary school within a distance of one mile from the residence of the child, measured by the shortest route, which the child can attend ;
- (b) that the child is prevented from attending the school by reason of sickness or infirmity ;
- (c) that the child is receiving education in some other satisfactory manner ;
- (d) that the child has already completed primary education as defined in clause (g) of section 2 ;
- (e) such other circumstances as may be prescribed.

8. (1) If the School Committee is satisfied that a guardian, who is required under section 7 to cause a child to attend a recognised primary school, has failed to do so, it shall, after giving a warning in writing to such guardian, apply to a Magistrate having jurisdiction for an order to compel the guardian to cause the attendance of such child, and the Magistrate shall fix a day for the hearing of the application and cause notice thereof to be given to such guardian.

Order of
Magistrate
to compel
attend-
ance.

(2) On the day fixed for the hearing of the application or on any subsequent day to which it may be adjourned, and after hearing the guardian or his authorised agent, if present, the Magistrate, if satisfied that the facts alleged in the application are true, may pass an order directing the guardian to cause such child to attend a recognised primary school from a date to be specified in such order.

9. (1) Any guardian who fails to comply with an order passed under section 8 shall, on conviction before a Magistrate, be liable to a fine not exceeding five rupees, and, if so ordered, also to a recurring fine not exceeding one rupee for each day after the first during which he continues so to offend.

Penalty
for failure
to obey
order.

(2) No Magistrate shall take cognizance of an offence under this section except on the complaint of the School Committee.

[West Ben. Act

(Chapter II.—Free and Compulsory Primary Education in Urban areas.—Sections 10—14.—Chapter III.—Education cess.—Section 15.)

Prohibition of employment of children.

10. No person shall, without the permission of the School Committee, employ any child who is required to attend a recognised primary school under this Chapter :

Provided that such permission shall not be necessary if employment does not interfere with the attendance of the child at such school.

Employer's liability.

11. (1) The School Committee may prosecute any person who, after due warning, contravenes the provisions of section 10.

(2) Unless such person satisfies the Magistrate that there is a reasonable excuse, within the meaning of sub-section (2) of section 7, for the non-attendance of the child, or that the time and nature of employment of the child are such that the child is not prevented from attending a recognised primary school, or that the child was taken into employment under false representations as to age, residence and other conditions, such person shall, on conviction before a Magistrate, be liable to a fine not exceeding twenty rupees.

Delegation of some of the functions of School Committee.

12. An application to a Magistrate under section 8 or a complaint to a Magistrate under section 9 or section 11, may be made on behalf of the School Committee by such person as may be authorised by the School Committee by general or special order in this behalf.

Power of Commissioners to make rules.

13. The Commissioners at a meeting may, with the previous sanction of the State Government, make rules specifying the steps which the School Committee may take to secure the attendance of child at school.

Exemption from compulsory education.

14. The State Government may, by notification in the *Official Gazette*, exempt any class of persons or any community, in any area to which this Act extends, from the operation of this Chapter.

CHAPTER III.

Education cess.

Education cess.

15. (1) If the existing resources of the Commissioners of any Municipality are not sufficient to cover the cost of free and compulsory primary education within the Municipality, the Commissioners of the Municipality shall, with the previous sanction of the State Government, impose an education cess, in such manner as may be prescribed, and all amounts derived therefrom shall be devoted solely to the purposes of free and compulsory primary education within the Municipality.

XXVIII of 1963.]

(Chapter IV.—Supplemental.—Sections 16—19.)

(2) The education cess shall be levied at such rate, not exceeding two *per cent.* of the annual value of holdings within the Municipality, as may be prescribed and different rates may be prescribed for different Municipalities.

CHAPTER IV.

Supplemental.

16. (1) The State Government may make ¹rules to carry out the purposes of this Act. Power of State Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, the State Government may make rules prescribing the manner in which—

(a) schemes under sub-section (2) of section 4 shall be prepared ;

(b) the education cess shall be levied.

(3) All rules made under this section shall be published in the *Official Gazette*.

17. All primary schools maintained by the Commissioners within a Municipality, or any part thereof, under the provisions of this Act shall be open to inspection by the inspecting officers of the Education Department of the State Government and such other persons as the State Government may appoint in this behalf. Schools to be open to inspection.

18. Every person authorised by the School Committee under section 12 and every officer and servant of the School Committee, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Certain persons to be deemed public servants.

19. The Bengal Primary Education Act, 1919, is hereby repealed. Repeal of Ben. Act IV of 1919.

¹For the West Bengal Urban Primary Education (Submission of Statement by Commissioner of Municipalities) Rules, 1964, see notification No. 2598 Edn. (G)/10R—15/64, dated the 23rd July, 1964, published in the *Calcutta Gazette* of 1964, Part I, pages 2477-2480.

West Bengal Act XXXIII of 1963¹

THE WEST BENGAL HOMOEOPATHIC SYSTEM OF MEDICINE ACT, 1963.

[6th November, 1963.]

An Act to provide for the development of the Homoeopathic system of medicine, to regulate the teaching and practice thereof and to deal with certain other connected matters.

It is hereby enacted in the Fourteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the West Bengal Homoeopathic System of Medicine Act, 1963.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such ²date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title,
extent and
commence-
ment.

2. In this Act, unless the context otherwise requires,—

Definitions.

(1) “Council” means the Council of Homoeopathic Medicine, West Bengal, constituted under section 3 ;

(2) “General Council and State Faculty of Homoeopathic Medicine, West Bengal” means the General Council and State Faculty of Homoeopathic Medicine, West Bengal, established by resolution No. 1568Medl., dated 24th June, 1941 of the Government of Bengal as subsequently amended ;

(3) “Homoeopathy” means the system of medicine founded by Dr. Hahnemann and includes the Biochemic system of medicine founded by Dr. Schussler and the expression “Homeopathic” shall be construed accordingly ;

(4) “member” means a member of the Council ;

(5) “prescribed” means prescribed by rules ;

(6) “President” means the President of the Council ;

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, of the 22nd March, 1963, Part IVB, page 575 n. ; the Report of the Joint Committee of the West Bengal Legislature was published in the *Calcutta Gazette, Extraordinary*, of the 24th July, 1963, Part IVB, pages 2215-2233 ; for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on 2nd April, 1st, 6th and 7th August and the 9th September, 1963 ; and for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 4th April, and 3rd and 4th September, 1963.

²The Act came into force with effect from the 1st August, 1964. Vide notification No. Medl./4873/3H—16/64, dated 21.7.64, published in the *Calcutta Gazette, Extraordinary*, dated 23.7.64, Part I, page 2811.

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1963.

[West Ben. Act

(Sections 3—5.)

- (7) "Register" means the Register of Homoeopathic practitioners maintained under this Act ;
- (8) "registered Homoeopathic practitioner" means a Homoeopathic practitioner registered under the provisions of this Act ;
- (9) "Registrar" means the Registrar of the Council ;
- (10) "regulations" means regulations made by the Council under this Act ;
- (11) "rules" means rules made by the State Government under this Act ;
- (12) "teacher" means any person appointed by a Homoeopathic institution affiliated to, or recognised by, the Council to hold a teaching post ;
- (13) "Vice-President" means the Vice-President of the Council.

Constitu-
tion of the
Council of
Homoeo-
pathic
Medicine,
West
Bengal.

3. As soon as may be after the commencement of this Act, the State Government shall, by notification in the *Official Gazette*, establish a body corporate with perpetual succession and a common seal named the Council of Homoeopathic Medicine, West Bengal. The Council shall be entitled to acquire and hold movable and immovable property, to transfer such property, to contract and to do all things necessary for the purposes of this Act and shall by its name sue and be sued.

Transi-
tional
provisions.

4. Upon the constitution of the Council—

- (1) The General Council and State Faculty of Homoeopathic Medicine, West Bengal shall cease to exist and the assets and liabilities thereof shall stand transferred to the Council ;
- (2) any order passed, any appointment made, anything whatsoever begun or done by the General Council and State Faculty of Homoeopathic Medicine, West Bengal, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been passed, made, begun or done by the Council.

Composi-
tion
of the
Council.

5. (1) The Council shall consist of the following members, namely :—

(a) a President nominated by the State Government :

Provided that on the expiry of the first two terms of office of the President as specified in sub-section (1) of section 13, the State Government shall nominate a President from among three persons recommended by the Council in such manner as may be prescribed ;

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1963.

XXXIII of 1963.]

(Sections 6, 7.)

(b) seven members nominated by the State Government of whom three shall be registered Homoeopathic practitioners ;

(c) one member nominated by the Vice-Chancellor of the University of Calcutta ;

(d) the Head of the Homoeopathic Research Institute, *ex-officio*, when such an Institute is established :

Provided that until the Institute is established any other person may be nominated by the State Government ;

(e) the Principal of a Homoeopathic College, affiliated to the Council, nominated by the State Government ;

(f) eight members, who are citizens of India, elected, from such constituencies and in such manner as may be prescribed, by the registered Homoeopathic practitioners from among themselves of whom at least four must be practitioners whose names are entered in Part A of the Register.

(2) Notwithstanding anything contained in the foregoing sub-section or elsewhere in this Act, on the first constitution of the Council all the members of the Council shall be nominated by the State Government and the State Government shall also nominate one of the members to be the Vice-President.

6. If the nominating authority referred to in clause (c) of sub-section (1) of section 5, or the electoral body referred to in clause (f) of the said sub-section fails by the prescribed date to nominate or elect the requisite number of member or members which such authority or body is entitled to nominate or elect, the State Government shall fill up the office of such member or members by nomination of a person or persons qualified to be nominated or elected by such authority or body. Any person so nominated by the State Government shall be deemed to have been duly nominated or elected a member by such authority or body.

Power of State Government to nominate members in certain circumstances.

7. A person shall be disqualified for being nominated or elected a member of the Council, if—

Disqualification for nomination or election.

(1) he has been convicted of any offence involving moral turpitude ;

(2) he is an undischarged insolvent ;

(3) he has been adjudged by a competent court to be of unsound mind ;

(4) he is an employee of the Council ;

[West Ben. Act

(Sections 8—12.)

- (5) he has directly or indirectly any share or interest in any contract with, by or on behalf of the Council ;
- (6) he has been dismissed from the service of the Central Government or a State Government or a local authority on a charge of gross misconduct or an offence involving moral turpitude ;
- (7) he is a person under the age of 25.

Publication
of names
of
members.

8. The name of every member nominated or elected under section 5 or section 6 shall be published by the State Government in the *Official Gazette*.

Cessation
of member-
ship.

9. A person shall cease to be a member of the Council—

- (1) if, without obtaining the permission of the Council, he is absent from three consecutive meetings of the Council ; or
- (2) if having been nominated or elected as a registered Homoeopathic practitioner he ceases to be such a registered practitioner ; or
- (3) if he becomes subject to any of the disqualifications referred to in section 7.

Filling of
casual
vacancies.

10. (1) If any member dies or resigns his office or ceases to be a member for any other reason the vacancy shall be filled up within six months by a fresh nomination or election under section 5 or section 6, as the case may be, and the member so nominated or elected shall hold office for the unexpired period of the term of office of the member whose place he fills.

(2) If any member referred to in clauses (b), (c), (d), (e) or (f) of sub-section (1) of section 5 is nominated President under the proviso to clause (a) of that sub-section, there shall be a vacancy in that membership which shall be filled up under sub-section (1).

Term of
office of
members.

11. (1) Subject to the provisions of section 10, the term of office of the members nominated or elected under section 5 or section 6 shall be for four years commencing from the date of the first meeting of the Council after its first constitution or any subsequent periodical reconstitution, as the case may be.

(2) The term of four years referred to in sub-section (1) shall be held to include any period which may elapse between the expiry of the said period of four years and the date of the first meeting of the Council following its reconstitution at which a quorum is present.

Resigna-
tion.

12. The President, the Vice-President or a member may resign his office by writing under his hand addressed to the State Government, of which he shall send a copy to the Council.

The West Bengal Homoeopathic System of Medicine Act, 1963.

XXXIII of 1963.]

(Sections 13—15.)

13. (1) The President shall hold office for the period mentioned in section 11 or until his successor is nominated, whichever is longer. The President.

(2) If the President dies or resigns his office or ceases to hold office, the State Government shall nominate another person as President and such President shall hold office for the unexpired portion of the term of office of the previous President in whose place he is nominated.

(3) In the event of the occurrence of any vacancy in the office of the President under sub-section (2), the Vice-President shall discharge the functions of the President until a new President is nominated.

(4) When the President is unable to discharge his functions owing to absence, illness or any other cause, the Vice-President shall discharge his functions until the date on which the President resumes his duties.

14. (1) The members of the Council shall, at the first meeting after every periodical reconstitution, elect a Vice-President from among themselves in such manner as may be prescribed. The Vice-President.

(2) The Vice-President shall hold office for the period mentioned in section 11 :

Provided that a Vice-President, shall cease to hold office if he ceases to be a member of the Council.

(3) If the Vice-President dies or resigns his office or ceases to hold office, the members of the Council shall elect, from among themselves, another Vice-President in such manner as may be prescribed and such Vice-President shall hold office for the unexpired portion of the term of office of the previous Vice-President whose office he fills.

15. (1) The members of the Council shall constitute from among themselves, an Executive Committee to perform such functions, discharge such duties and exercise such powers as may be delegated to it by the Council. Executive Committee.

(2) The Executive Committee shall consist of the President and the Vice-President, *ex-officio*, and five other members elected by the members of the Council in the prescribed manner from among themselves.

(3) The President and the Vice-President of the Council shall be the President and Vice-President, respectively, of the Executive Committee.

(4) The term of office of an elected member of the Executive Committee shall be two years from the date of his election, but, subject to his being a member of the Council, he shall be eligible for re-election to the Executive Committee.

for use of Members only

WEST BENGAL LEGISLATIVE ASSEMBLY

PAPER

to

**Bengal Homoeopathic System of Medicine (Second Amendment)
Bill, 1978**

*Extracts from the West Bengal Homoeopathic System of Medicine Act, 1963
(West Ben. Act XXXIII of 1963)*

Ad-hoc Committee

15A. (1) Notwithstanding anything contained elsewhere in this Act, if, at any time, it appears to the State Government that the nomination or election of the Council has not taken place in accordance with the provisions of this Act or a period of more than four years from the date of the first meeting of the Council has elapsed, the State Government may, by order published in the *Official Gazette*, appoint an Ad-hoc Committee consisting of not more than seven members including a President and a Vice-President.

(2) Upon such appointment of the Ad-hoc Committee, the Council shall be deemed to have been dissolved, and all the members of the Council shall be deemed to have vacated their offices, with effect from the date of the order.

(3) If any vacancy occurs in the Ad-hoc Committee by reason of death, resignation or removal of a member, or otherwise, the State Government shall appoint another person to fill up the vacancy. The person so appointed shall hold office for the unexpired period of the term of office of the member whose place he fills:

Provided that no act or proceedings of the Ad-hoc Committee shall be called in question or become invalid merely by reason of any vacancy or vacancies in the Ad-hoc Committee.

(4) The State Government may at any time, by notification in the *Official Gazette*, remove any member of the Ad-hoc Committee on the ground of incapacity or misbehaviour, or for any other good or sufficient reason.

(5) The President shall preside over all meetings of the Ad-hoc Committee. In the absence of the President, the Vice-President shall preside over a meeting. In the absence of both the President and the Vice-President, the members present in the meeting shall elect one of such members to preside over that meeting.

(6) The quorum for a meeting of the Ad-hoc Committee shall be four.

Provided that no quorum shall be necessary for an adjourned meeting.

(7) The Ad-hoc Committee shall exercise all powers and perform all duties of the Council.

(8) The Ad-hoc Committee shall be deemed to be the Council also for the purposes of section 40 and section 46 of this Act.

[West Ben. Act

(Sections 16—18.)

(5) No business shall be transacted at any meeting of the Executive Committee unless a quorum of three members be present.

(6) The Council may also, subject to the approval of the State Government, from time to time appoint one or more Committees consisting of members of the Council or outsiders or both, on such terms as may be approved by the State Government, for the purpose of advising it on such matters as it deems necessary and may appoint a Chairman for any such Committee who shall convene and preside over the meetings of the Committee.

etings.

16. (1) The Council shall hold its meetings at such intervals and at such places as may be provided for by regulations.

(2) No business shall be transacted at any meeting of the Council unless a quorum of seven members be present.

(3) Save as provided in clause (b) of sub-section (2) of section 24, all questions arising at any meeting shall be decided by votes of the majority of the members present and voting and in case of an equality of votes by the casting vote of the President or, in his absence, of the member presiding at the meeting.

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members
other
sons.

17. The Council shall pay to its President, Vice-President and members and other persons appointed by it to any Committee referred to in sub-section (6) of section 15, such fees for attending at meetings of the Council, of the Executive Committee or of such Committee and such travelling expenses for journeys undertaken in the performance of duties as may be prescribed.

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ncill.

18. The Council shall have the following powers, namely :—

(1) with the approval of the State Government, to establish institutions teaching the Homoeopathic system of medicine and to grant or refuse affiliation to such institutions or to withdraw, after giving the authority of an institution an opportunity to show cause against the action proposed to be taken, such affiliation ;

(2) to call on the authority of an institution affiliated to the Council, or of an institution applying for affiliation, to furnish within such period as may be specified, such reports, returns or other information as the Council may require to judge the efficiency of the institution ;

(3) to hold examinations for persons who shall have pursued a course of study in institutions affiliated to the Council, and to confer degrees, diplomas and certificates on them on having passed the necessary examinations ;

*The West Bengal Homoeopathic System of Medicine Act, 495
1963.*

XXXIII of 1963.]

(Section 18.)

- (4) to provide by regulations courses of study for different examinations held by the Council ;
- (5) to provide for instruction or for refresher courses in such branches of medical science as would be useful to persons studying the Homoeopathic system of medicine ;
- (6) to appoint examiners and to fix their remuneration and to publish the results of the examinations held by it ;
- (7) to grant scholarships, prizes and medals to students of institutions affiliated to the Council who are meritorious, or stipends to students who are poor and deserving ; and with the sanction of the State Government, to grant to students scholarships for research or special study in any institution that the Council may think fit, whether in India or abroad and to endow chairs of Homoeopathic system of medicine in institutions affiliated to the Council ;
- (8) to confer honorary degrees on Homoeopathic practitioners of extraordinary merit ;
- (9) to collect prescribed fees or charges for admission to the examinations held by the Council and for certificates, diplomas or degrees granted or conferred by it ;
- (10) to exercise general supervision over the residential and disciplinary arrangements made by the institutions affiliated to the Council and arrangements for promoting the health and general welfare of the students of such institutions ;
- (11) to recommend to the State Government the sanction of a grant to an affiliated institution teaching the Homoeopathic system of medicine or the withdrawal or suspension, after giving the institution concerned an opportunity of showing cause against the action proposed, of any such grant ;
- (12) to appoint such number of inspectors for the inspection of institutions teaching the Homoeopathic system of medicine as the Council may deem fit on such terms as the Council may, with the previous sanction of the State Government, determine ;
- (13) to receive grants, donations, gifts and endowments ;

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1963.*

[West Ben. Act

(Sections 19, 20.)

- (14) to incur such expenditure, to adopt such measures and to do such acts as may be necessary for the furtherance of the objects mentioned in this section ;
- (15) to advise the State Government in the matter of research in Homoeopathic system of medicine ;
- (16) to perform such other functions as the State Government may direct or, on the recommendation of the Council, approve for carrying out the provisions of this Act.

Registrar
staff.

19. (1) The Council shall, with the previous approval of the State Government, appoint a Registrar. The Registrar shall receive such salary and allowances as may be prescribed. The Council may from time to time grant him leave and may appoint a person to act in his place. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for all purposes of this Act.

(2) The Council may, by order, suspend, punish, remove or dismiss the Registrar from office :

Provided that any such order of the Council shall be subject to appeal to the State Government.

(3) The Council may appoint such other officers and servants as it deems necessary :

Provided that the number and designation of such officers and servants and their salaries and allowances shall be subject to the previous approval of the State Government.

(4) The Registrar shall act as the Secretary to the Council and the Executive Committee.

(5) The Registrar and all officers and servants appointed by the Council shall work under the direct control and supervision of the President or, in his absence, of the Vice-President.

Registrar
of
homoeo-
pathic
practitioners.

20. (1) The Council shall maintain a Register of Homoeopathic practitioners in two Parts, A and B, in such form as may be prescribed.

(2) The Registrar shall from time to time make necessary entries in the Register in respect of the persons whose names are to be registered, their qualifications and their addresses and may also from time to time make such alterations or modifications as may be required in consequence of any orders passed by the Council or otherwise.

XXXIII of 1963.]

(Sections 21—24.)

21. (1) Every person who possesses any qualification mentioned in paragraphs 1, 2 or 3 of the Schedule shall, subject to the provisions of this Act, and on payment of such fee, as may be prescribed, be entitled to have his name entered in Part A of the Register.

Persons
entitled
to be
registered

(2) Every person who possesses any qualification mentioned in paragraph 4 or 5 of the Schedule shall, subject to the provisions of this Act, and on payment of such fee as may be prescribed, be entitled to have his name entered in Part B of the

ge 497—

In section 21, in the proviso to sub-section (2), for the words "within a period of two years from the date of commencement of this Act", substitute the words and figures "on or before the 31st day of December, 1970".

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of

(Substituted by West Ben. Act XI of 1970, section 2.)

[No. 9, dated the 1st October, 1973.] (1)

Every person who has been registered by the General Council and State Faculty of Homoeopathic Medicine, West Bengal, shall be deemed to have been registered under the provisions of this Act and his name shall be entered in the Register. If such person possesses any qualification mentioned in paragraphs 1, 2 or 3 of the Schedule his name shall be entered in Part A of the Register; in any other case, his name shall be entered in Part B of the Register.

22. The State Government may, by order published in the *Official Gazette*, add to, amend, or alter the Schedule.

Power to
amend the
Schedule.

23. (1) Every person who desires to have his name entered in the Register shall submit to the Registrar an application in the prescribed form stating :—

Informa-
tion
required of
applicant
for regis-
tration.

(a) particulars of his qualifications,

(b) the period for which he has been in practice, and

(c) his address which is to be his registered address.

(2) Every application shall be accompanied by the prescribed fee and such proof as may be available or necessary in support of the qualifications stated in the application.

24. (1) The Council may, on being satisfied that a person is qualified for registration under section 21 and has paid the prescribed fee, direct that his name be entered in Part A or Part B of the Register, as the case may be, and the Registrar shall thereupon make necessary entries in the Register and grant him a certificate of registration.

Power of
the
Council
to refuse
registration or to
remove
name from
Register
in certain
cases.

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1963.*

[West Ben. Act

(Sections 25, 26.)

(2) The Council may refuse to permit the registration, or direct the removal from the Register, the name of any person—

(a) who has been convicted of any offence involving moral turpitude ; or

(b) who has been found guilty of infamous conduct in his professional capacity by a majority of at least two-thirds of the members of the Council after a due enquiry into his conduct at which he has had an opportunity of being heard in person or of being duly represented.

(3) Any refusal or removal under sub-section (2) may be rescinded if the conduct on the basis of which refusal or removal was directed is condoned for good and sufficient reasons.

Renewal. ✓ 25. (1) Every person whose name is entered in the Register shall, for the retention of his name in the Register, pay to the Council quinquennially such renewal fee and at such time as may be prescribed.

(2) Where the renewal fee is not paid by the due date, the Registrar shall remove the name of the defaulter from the Register :

Provided that a name so removed may be restored to the Register on such conditions as may be prescribed.

(3) On payment of the renewal fee, the Registrar shall, in the prescribed manner, endorse the certificate of registration.

Transfer of name from Part B to Part A of the Register. 26. (1) If any person whose name is entered in Part B of the Register obtains any qualification mentioned in paragraphs 1, 2 or 3 of the Schedule he shall be entitled, on payment of such fee as may be prescribed, to have his name transferred from Part B to Part A of the Register.

(2) If any person whose name is entered in Part B of the Register has been a teacher in a Homoeopathic institution affiliated to the Council or a visiting physician in a hospital attached to such an institution from a date prior to the first day of January, 1961, or is, in the opinion of the Council, a Homoeopathic practitioner of special merit or eminence, the Council may, with the approval of the State Government, transfer his name from Part B to Part A of the Register.

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1963.*

XXXIII of 1963.]

(Sections 27—33.)

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| <p>27. If any person whose name is entered in the Register obtains any qualification mentioned in the Schedule other than the qualification in respect of which he has been registered, he shall, on payment of such fee as may be prescribed, be entitled to have such qualification entered against his name in the Register either in substitution for or in addition to any entry previously made and the Registrar shall add to or amend the entry accordingly.</p> | <p>Entry of additional qualification.</p> |
| <p>28. If any person is dissatisfied with any decision of the Registrar refusing to enter his qualification under section 27 in the Register, he may, at any time within three months from the date of such decision, appeal to the Council in the prescribed manner and the decision of the Council shall be final.</p> | <p>Appeal to the Council from decision of the Registrar.</p> |
| <p>29. Any entry in the Register, which is proved to the satisfaction of the Council to have been fraudulently or incorrectly made may be cancelled under an order in writing of the Council.</p> | <p>Cancellation of fraudulent and incorrect entries.</p> |
| <p>30. An appeal shall lie to the State Government against any decision or order of the Council refusing to enter a person's name in Part A or Part B of the Register or to transfer his name from Part B to Part A of the Register or removing his name from the Register, if filed within three months of the date of decision or order and the decision of the State Government shall be final.</p> | <p>Appeal to State Government from decision of the Council.</p> |
| <p>31. The Council may, on receipt of reliable information regarding the death of a person whose name is entered in the Register, and on making such enquiry as it may think fit, direct the removal of his name from the Register and thereupon the Registrar shall cancel the entry relating to such person.</p> | <p>Notice of death and removal of name from Register.</p> |
| <p>32. If any person whose name is not entered in the Register falsely pretends that it is so entered or uses in connection with his name, any words or letters representing that his name is so entered, he shall, whether any person is actually deceived by such representation or not, be punishable on conviction by a Presidency Magistrate or a Magistrate of the First Class, with imprisonment which may extend to six months or with fine which may extend to five hundred rupees.</p> | <p>Penalty on unregistered person representing that he is registered.</p> |
| <p>33. (1) If any person whose name has been removed from the Register under sub-section (2) of section 24 or sub-section (2) of section 25, fails, without sufficient cause, forthwith to surrender his certificate of registration, he shall be punishable with fine which may extend to fifty rupees.</p> | <p>Penalty for failure to surrender certificate of registration.</p> |

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1963.

[West Ben. Act

(Sections 34—36.)

(2) Cognizance of an offence punishable under this section shall not be taken except upon complaint made by an order of the Council.

Prohibition
of un-
authorised
conferment
of degrees,
etc., and
penalty for
such confer-
ment.

34. (1) No person, association or institution other than the Council shall confer, grant or issue, or hold himself or itself out as entitled to confer, grant or issue, any degree, diploma, licence, certificate or any other document stating or implying that the holder, grantee or recipient thereof is qualified to practise the Homoeopathic system of medicine.

(2) Any contravention of the provisions of sub-section (1) shall be punishable with imprisonment which may extend to one year or with fine which may extend to one thousand rupees, or with both; and if an association or institution is guilty of such contravention, every member thereof who knowingly or wilfully authorises or permits the contravention, shall be punishable with imprisonment which may extend to one year or with fine which may extend to one thousand rupees, or with both.

Penalty for
improper
assumption
of Homoeo-
pathic
qualifica-
tions-

35. (1) No person shall use any letters or figures after his name indicating or implying that he possesses any degree, diploma, licence, or certificate as a Homoeopathic practitioner unless such degree, diploma, licence or certificate has been conferred by the Council, or is recognised by it with the approval of the State Government.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable on first conviction with fine which may extend to two hundred rupees, and on any subsequent conviction with fine which may extend to five hundred rupees.

Publica-
tion and
use of
registration
list.

36. (1) The Registrar shall, from time to time as occasion may require, on or before the date to be fixed in this behalf by the Council, cause to be printed and published (provided that at least twelve months shall have elapsed from the date of the last publication) a correct list of the names for the time being entered in the Register under each of the two Parts, A and B, setting forth therein—

(a) names of all registered Homoeopathic practitioners arranged in alphabetical order according to surname;

(b) the registered address of each such person; and

(c) the registered qualifications of each such person and the date on which each qualification was obtained.

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1963.

XXXIII of 1963.]

(Sections 37, 38.)

(2) The Registrar shall, from time to time as occasion arises, cause to be printed and published a list supplementary thereto, containing additions and alterations in the Register since the publication of the list under sub-section (1).

(3) Every court shall presume that any person whose name is entered in the latest list printed and published under sub-section (1) read with the latest list supplementary thereto, if any, printed and published under sub-section (2) is duly registered under this Act, and that any person whose name is not so entered is not registered under this Act :

Provided that, in the case of any person whose name does not appear in the latest list printed and published under sub-section (1) read with the latest list supplementary thereto, if any, printed and published under sub-section (2), a certified copy, signed by the Registrar, of the entry of the name of such person in the Register, shall be evidence that such person is registered under this Act.

37. A registered Homoeopathic practitioner shall be entitled—

- (a) to grant a death certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner or medical officer ;
- (b) to grant a medical or physical fitness certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner or medical officer ;
- (c) to give evidence at any inquest or in any court of law as an expert under section 45 of the Indian Evidence Act, 1872.

Certain
privileges
of
registered
Homoeo-
pathic
practi-
tioners.

38. Except with the special sanction of the State Government, no Homoeopathic practitioner other than a registered Homoeopathic practitioner whose name is entered in Part A of the Register shall be competent to hold any appointment as a physician, medical officer or teacher, in any Homoeopathic hospital, asylum, infirmary, dispensary, or lying-in-hospital, which is supported wholly or partially by grants made by the State Government, the Council, or a local authority, or in any Homoeopathic educational institution which is so supported or which is affiliated under clause (J) of section 18 :

Homoeo-
pathic
practi-
tioners
other than
those regis-
tered under
Part A of
the
Register
not eligibl
for certain
appoint-
ments.

Provided that a registered Homoeopathic practitioner whose name is entered in Part B of the Register shall be competent to hold any such appointment if he has held any such appointment from a date prior to the first day of January, 1961.

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[West Ben. Act

(Sections 39—43.)

Control of manufacture, storage and sale of Homoeopathic drugs. 39. Subject to the provisions of any law for the time being in force relating to drugs and poisons, the State Government shall have the power to regulate and control the manufacture, storage or sale of Homoeopathic drugs and medicines by the grant of licences, to manufacturers, stockists and sellers, on such conditions and on payment of such fees as may be prescribed.

Bar of suit or other legal proceedings. 40. No suit, prosecution or other legal proceedings shall lie in respect of any act or thing done or omitted to be done in the exercise or purported exercise of any power conferred by or under this Act on the State Government or the Council or the Executive Committee or any Committee appointed by the Council or on the Registrar.

Validation. 41. No act or thing done by the Council, the Executive Committee or a Committee appointed by the Council shall be invalid merely on the ground of any vacancy in or defect in its composition.

Finance, Audit and Budget. 42. (1) All fees payable and prescribed under this Act shall be paid to the Council.

(2) An account of all assets and liabilities of the Council and of all fees, sums, grants, donations, gifts and endowments received by it and of all expenses and disbursements incurred or made by it shall be maintained in the prescribed manner.

(3) The account shall be audited annually in such manner and by such officer or authority as may be prescribed. A copy of the audit report shall be submitted to the State Government by the Council.

(4) The Council shall prepare in the prescribed manner a budget for any financial years showing the probable receipt and expenditure, which shall be submitted to the State Government for approval.

Rules. 43. (1) The State Government may from time to time make¹ rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(i) the election of members of the Council, members of the Executive Committee and the Vice-President ;

(ii) the functions to be performed by the President and the Vice-President ;

(iii) the fees payable under this Act ;

(iv) the expenses to be paid under section 17 ;

¹For the West Bengal Homoeopathic System of Medicine Rules, 1964, see notification No. medle 4/4392/3H—26/63, dated 21st July, 1964, published in the Calcutta Gazette, Extraordinary, dated 4th August, 1964, Part I, page 2418.

***The West Bengal Homoeopathic System of Medicine Act, 503
1963.***

XXXIII of 1963.]

(Sections 44—46.)

- (v) the salary and allowances to be paid to the Registrar ;
- (vi) the conditions for the grant of licences under section 39 ;
- (vii) the manner in which the account referred to in sub-section (2) of section 42 shall be maintained ;
- (viii) the procedure to be followed by the Council in—
 - (a) conducting an enquiry under clause (b) of sub-section (2) of section 24,
 - (b) disposing of appeals from the decision of the Registrar preferred under section 28 ;
- (ix) any other matter which may be or is required to be prescribed under this Act.

44. (1) The Council may, with the previous approval of the State Government, make regulations, not inconsistent with this Act or the rules made thereunder, for discharging its functions under this Act. **Regulations.**

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :—

- (i) the conduct of business of the Executive Committee and of Committees appointed by the Council ;
- (ii) the time and place at which each meeting shall be held ;
- (iii) the issue of notices convening such meeting ;
- (iv) the conduct of business thereat ;
- (v) the conditions of appointment and service and the scales of pay and allowances of all the officers and servants appointed by the Council ;
- (vi) any matter for which power to make regulations is conferred expressly or by implication on the Council by this Act.

45. All rules and regulations shall be published in the *Official Gazette*. **Publication of rules and regulations**

46. If, at any time, it appears to the State Government that the Council has failed to exercise or has exceeded or abused a power conferred upon it by or under this Act or has failed to perform a duty imposed upon it by this Act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, after giving the Council an opportunity of being heard, notify the particulars thereof to the Council and if the Council fails to remedy such failure, excess or abuse **Control over the Council by State Government.**

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1963.

[West Ben. Act XXXIII of 1963.]

(*The Schedule.*)

within such time as may be fixed by the State Government in this behalf, the State Government may dissolve the Council and cause all or any of the powers and duties of the Council to be exercised and performed by such agency and for such period as it may think fit.

THE SCHEDULE

Qualifications enabling a person to have his name entered in the Register of Homoeopathic practitioners.

(*See section 21.*)

1. Any degree or diploma or certificate conferred or granted on passing the final examination held by the General Council and State Faculty of Homoeopathic Medicine, West Bengal, or by the Council.

2. Any other degree or diploma or certificate conferred or granted by the Council which is declared by the Council with the approval of the State Government to be a sufficient qualification for registration as a Homoeopathic practitioner.

3. Any degree or diploma or certificate conferred or granted by any institution or authority within or outside the State :

Provided that such degree or diploma or certificate has been recognised by the General Council and State Faculty of Homoeopathic Medicine, West Bengal, or is recognised by the Council, with the approval of the State Government, as a sufficient qualification for registration as a Homoeopathic practitioner.

4. Regular practice of the Homoeopathic system of medicine for a period of not less than three years immediately before the date of commencement of this Act, subject to passing the examination mentioned in the proviso to sub-section (2) of section 21.

5. Any qualification other than a qualification mentioned in paragraphs 1, 2 or 3 by reason of which a person has been registered as a Homoeopathic practitioner by any Board or Council of Homoeopathic Medicine established by any other State Government within the Indian Union :

Provided that a scheme of reciprocity for purposes of registration has been adopted by the Council with the approval of the State Government.

West Bengal Act XXXV of 1963
THE WEST BENGAL ZILLA PARISHADS ACT, 1963.

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47. Supplementary budget.
48. Accounts.
49. Audit.

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90. Budget.
91. Supplementary budget.
92. Accounts and Audit.

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FIRST SCHEDULE.

SECOND SCHEDULE.

West Bengal Act XXXV of 1963¹

THE WEST BENGAL ZILLA PARISHADS ACT, 1963.

[5th December, 1963].

An Act to provide for the re-modelling of Local Government with a view to associating the local authorities with development activities and bringing about democratic decentralisation and people's participation, in planning and development.

WHEREAS it is expedient to provide for the re-modelling of Local Government with a view to associating the local authorities with development activities and bringing about democratic decentralisation and people's participation in planning and development ;

It is hereby enacted in the Fourteenth Year of the Republic of India by the Legislature of West Bengal, as follows :—

PART I.

CHAPTER I

Preliminary.

1. (1) This Act may be called the West Bengal Zilla Parishads Act, 1963.

Short title,
extent
and
commence-
ment.

(2) It extends to the whole of West Bengal, except the areas to which the provisions of the Calcutta Municipal Act, 1951, the Bengal Municipal Act, 1932, the Chandernagore Municipal Act, 1955 and the Cantonments Act, 1924, apply.

(3) It shall come into ³force in such areas and on such dates as the State Government may, by notification, appoint and different dates may be appointed for different areas or for different provisions of this Act.

¹For the Statement of Objects and Reasons of the Bill and the Financial Memorandum accompanying it, see the *Calcutta Gazette, Extraordinary*, of the 18th December, 1962, Part IVA, page 3882 ; the report of the Joint Committee of the West Bengal Legislature was published in the *Calcutta Gazette, Extraordinary*, of the 17th July, 1963, Part IV A, pages 2049—2104 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on 7th January, 24th, 25th, 26th, 29th, 30th and the 31st July and the 1st and 2nd August, 1963 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meetings of that Council held on the 9th January and the 8th, 9th, 20th, 22nd and 23rd August, 1963.

³The 25th March, 1964 was appointed as the date on which all the provisions of the Act came into force in the whole of West Bengal. *Vide* notification No. 940/Panch/1B-4/63, dated the 21st March, 1964, published in the *Calcutta Gazette, Extraordinary*, dated 23rd March, 1964, Part I, page 792.

(Part I.—Chapter I.—Preliminary.—Section 2.)

Definitions. 2. (1) In this Act, unless there is anything repugnant in the subject or context,—

- (a) "*Adhyaksha*" means an *Adhyaksha* of a *Gram Panchayat* constituted under the *West Bengal Panchayat Act, 1957* ; West
Act I
of 1957
- (b) "*Anchal*" means the area included within the territorial limits of an *Anchal Panchayat* as notified under section 25 of the *West Bengal Panchayat Act, 1957* ;
- (c) "*Anchal Panchayat*" means an *Anchal Panchayat* constituted under the *West Bengal Panchayat Act, 1957* ;
- (d) "*Anchalik Parishad*" means an *Anchalik Parishad* established under section 51 ;
- (e) "associate member" means an associate member referred to in sections 4 and 52 ;
- (f) "backward community" means a community specified by the State Government by a notification under section 94 ;
- (g) "block" means an area referred to in section 50 ;
- (h) "Block Development Officer" means the Officer appointed as such by the State Government ;
- (i) "Commissioner" means the Commissioner of a Division ;
- (j) "District Board" means a District Board established under the *Bengal Local Self-Government Act of 1885* ; Ben. A
III of
1885.
- (k) "District Panchayat Officer" means the officer appointed as such under the *West Bengal Panchayat Act, 1957* ;
- (l) "District School Board" means a District School Board established under the *Bengal (Rural) Primary Education Act, 1930* ; Ben. A
VII of
1930.
- (m) "*Gram Panchayat*" means a *Gram Panchayat* constituted under the *West Bengal Panchayat Act, 1957* ;
- (n) "member" means a member of a *Zilla Parishad* or an *Anchalik Parishad* not being an associate member ;
- (o) "notification" means a notification published in the *Official Gazette* ;
- (p) "*Pradhan*" means a *Pradhan* of an *Anchal Panchayat* ;

XXXV of 1963.]

(Part II.—Zilla Parishad.—Chapter II.—Establishment and constitution of Zilla Parishad.—Section 3.)

- (g) "prescribed" means prescribed by rules made under this Act ;
 - (r) "prescribed authority" means an authority appointed by the State Government, by notification, for all or any of the purposes of this Act ;
 - (s) "Subdivisional Magistrate" includes any other officer appointed by the State Government to discharge the functions of the Sub-divisional Magistrate under this Act ;
 - (t) "Union Board" means a Union Board established under the Bengal Village Self-Government Act, 1919 ;
 - (u) "year" means the year beginning on the first day of April ;
 - (v) "*Zilla Parishad*" means a *Zilla Parishad* established under section 3.
- (2) The expressions signifying 'residing in the block' or 'having a place of residence in or within the block or district' mean dwelling in the block or district for a period of at least six months in the aggregate during the twelve months immediately preceding the date of appointment or co-option under this Act, or having a dwelling-place in the block or district in any other case.

PART II.

Zilla Parishad.

CHAPTER II.

Establishment and constitution of *Zilla Parishad*.

3. (1) The State Government shall, by notification, establish for each district, with effect from such date as may be specified in the notification, a *Zilla Parishad* bearing the name of the district.

Establish-
ment of
Zilla
Parishad,

(2) A *Zilla Parishad* shall be a body corporate having perpetual succession and a common seal and may by its corporate name sue and be sued,

[West Ben. Act

(Part II.—Zilla Parishad.—Chapter II.—Establishment and constitution of Zilla Parishad.—Section 4.)

Composi-
tion of
Zilla Par-
ishad.

4. Subject to the provisions of sections 11 and 12, the following persons shall be members and associate members of the Zilla Parishad, namely :—

(1) Members—

(a) Presidents of *Anchalik Parishads* of the blocks within the district—*ex-officio* :

Provided that if any President of an *Anchalik Parishad* communicates to the Chairman of the Zilla Parishad, in writing, his unwillingness to act as a member of the Zilla Parishad, he shall, with effect from the date of such communication, cease to be a member of the Zilla Parishad, and the vacancy so caused shall be filled by election from among the members of that *Anchalik Parishad* in such manner and within such time as may be prescribed :

Provided further that if there be no *Anchalik Parishad* in any block the State Government may appoint a person residing in the block as a member,

(b) two *Adhyakshas*, one from each of two such constituencies comprised in a sub-division of the district as may be specified by notification, elected by the *Adhyakshas* in each constituency from among themselves at such time and in such manner as may be prescribed :

Provided that if a district has only one sub-division, four *Adhyakshas*, one from each of four such constituencies comprised in the district as may be specified by notification, shall be elected by the *Adhyakshas* in each constituency from among themselves at such time and in such manner as may be prescribed :

Provided further that if within the time fixed for the election, the *Adhyakshas* in a constituency fail to elect the member, another election shall be held on such date as may be appointed by the State Government by notification to fill the vacancy and in case the *Adhyakshas* in the constituency still fail to elect the member at such second election, the State Government may appoint a member from among the *Adhyakshas* in that constituency and any person so appointed shall be deemed to be a duly elected member,

(c) members of—

(i) the House of the People or the Legislative Assembly of the State, elected thereto from a

XXXV of 1963.]

(Part II.—Zilla Parishad.—Chapter II.—Establishment and constitution of Zilla Parishad.—Sections 5, 6.)

constituency comprising the district or any part thereof, not being a Minister,

- (ii) the Council of States or the Legislative Council of the State, not being a Minister, having a place of residence in the district,
- (d) a Chairman of a municipality or a Mayor of a municipal corporation in the district appointed by the State Government,
- (e) President of the District School Board—*ex-officio*,
- (f) two women having a place of residence in the district appointed by the State Government :

Provided that—

- (i) no such appointment shall be made if two or more women have become members under the provisions of other sub-clauses of this clause, and
- (ii) one such appointment shall be made if only one woman has become member under the provisions of any other sub-clause of this clause ;

(2) Associate members—

- (a) the Sub-divisional Magistrate of each sub-division of the district, and
- (b) the District Panchayat Officer.

5. (1) A member referred to in sub-clause (c) of clause (1) of section 4 shall not be elected a member under the provisions of sub-clause (b) of clause (1) of that section.

Prohibition of simultaneous membership.

(2) If a member referred to in sub-clause (b) of clause (1) of section 4 is subsequently elected a member of the House of the People or the Legislative Assembly of the State or subsequently becomes a member of the Council of States or the Legislative Council of the State, he shall cease to be a member of the *Zilla Parishad* under the provisions of sub-clause (b) of clause (1) of that section.

6. (1) A member elected under the first proviso to sub-clause (a) of clause (1) of section 4 shall hold office for a period of four years or for so long as he continues to be a member of the *Anchalik Parishad* or until a new President of the *Anchalik Parishad* is elected, whichever is earlier.

Tenure of office.

(2) A member appointed under the second proviso to sub-clause (a) of clause (1) of section 4 shall vacate office immediately on the establishment of an *Anchalik Parishad* for the block and the election of a President thereof.

[West Ben. Act

(Part II.—Zilla Parishad.—Chapter II.—Establishment and constitution of Zilla Parishad.—Section 7.)

(3) A member elected under sub-clause (b) or clause (1) of section 4 shall, subject to the provisions of section 5, hold office for a period of four years or for so long as he continues to be the *Adhyaksha*, whichever is earlier.

(4) A Chairman or a Mayor appointed under sub-clause (d) of clause (1) of section 4 shall hold office for a period of four years or for so long as he continues to be such Chairman or Mayor, whichever is earlier.

(5) Subject to the provisions of sub-section (2), a member appointed under the second proviso to sub-clause (a) of clause (1) of section 4, and a member appointed under sub-clause (f) of clause (1) of that section shall hold office for a period of four years :

Provided that such a member shall continue to hold office on the expiry of the said term until another member is appointed by the State Government in his place.

(6) If any President of an *Anchalik Parishad* or if any person referred to in sub-clauses (d) and (f) of clause (1) of section 4 be disqualified to be a member, the State Government may fill the vacancy in such manner and for such period as may be prescribed.

Chairman
and Vice-
Chairman,

7. (1) There shall be a Chairman and a Vice-Chairman for a *Zilla Parishad* elected by the members thereof from among the members referred to in sub-clauses (a), (b), (c) and (f) of clause (1) of section 4.

(2) The Chairman and the Vice-Chairman shall, subject to the provisions of section 9 and to his continuing as a member, hold office for a period of four years :

Provided that a Chairman or Vice-Chairman shall continue in office after expiry of the said period until a new Chairman or Vice-Chairman is elected and assumes office.

(3) (a) When the office of the Chairman falls vacant by reason of death, resignation or removal or is otherwise vacant, or

(b) when the Chairman is, by reason of leave, illness or other cause, temporarily unable to exercise the powers, perform the functions and discharge the duties of his office,

the Vice-Chairman shall exercise the powers, perform the functions and discharge the duties of the Chairman until a new Chairman is elected and assumes office or until the Chairman resumes his duties, as the case may be.

(4) (a) When the office of the Vice-Chairman falls vacant by reason of death, resignation or removal or is otherwise vacant, or

XXXV of 1963.]

(Part II.—Zilla Parishad.—Chapter II.—Establishment and constitution of Zilla Parishad.—Sections 8, 9.)

- (b) when the Vice-Chairman is, by reason of leave, illness or other cause, temporarily unable to exercise the powers, perform the functions and discharge the duties of his office,

the Chairman shall exercise the powers, perform the functions and discharge the duties of the Vice-Chairman until a new Vice-Chairman is elected and assumes office or until the Vice-Chairman resumes his duties, as the case may be.

(5) When the offices of the Chairman and the Vice-Chairman are both vacant, the State Government may appoint a Chairman and a Vice-Chairman from among the members to act as such until a Chairman and a Vice-Chairman are elected and assume office.

(6) If a President of an *Anchalik Parishad* or an *Adhyaksha* is elected a Chairman or a Vice-Chairman of a *Zilla Parishad*, he shall vacate the office of the President of the *Anchalik Parishad* or the office of the *Adhyaksha* as the case may be, but shall, notwithstanding the provisions of section 4 and sub-section (1) of this section, continue as the member and the Chairman or the Vice-Chairman of the *Zilla Parishad*.

8. The Chairman or the Vice-Chairman shall have full access to all records of the *Zilla Parishad* and may obtain report from the Executive Officer on any matter connected with the administration or work of the *Zilla Parishad*.

Copy:—
Vice-Chairman
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condition

Chairman
or Vice-
Chairman
to have
access to
records or
to obtain
report.

9. (1) If the State Government is of opinion that the Chairman or the Vice-Chairman of a *Zilla Parishad*—

- (a) is incapable of exercising his powers, performing his functions or discharging his duties, or
(b) wilfully neglects or refuses to carry out the directions of the State Government given under the provisions of this Act, or
(c) abuses his powers, or
(d) is liable to be removed on any of the grounds mentioned in section 12,

Removal
of the
Chairman
and the
Vice-
Chairman.

the State Government may, after giving the Chairman or the Vice-Chairman, as the case may be, an opportunity of being heard, by order, remove him from office and he shall thereupon cease to be a member of the *Zilla Parishad* and also cease to be a member of, or to hold any office in, any of the bodies constituted under this Act.

(2) If a motion of no-confidence against the Chairman or the Vice-Chairman is carried—

- (a) by the votes of less than two-thirds of the total number of members of the *Zilla Parishad* holding office for the time being the State Government may, and

[West Ben. Act

(Part II.—Zilla Parishad.—Chapter II.—Establishment and constitution of Zilla Parishad.—Sections 10, 11.)

- (b) by the votes of not less than two-thirds of the total number of members of the *Zilla Parishad* holding office for the time being the State Government shall,

remove such Chairman or Vice-Chairman, as the case may be, from office.

Filling of
vacancies
caused by
action
taken
under
section 9.

10. (1) When the Chairman or the Vice-Chairman is removed under section 9, the vacancy so caused shall be filled by election in such manner as may be prescribed.

(2) A Chairman or a Vice-Chairman elected under sub-section (1) shall hold office for the remainder of the term of his predecessor in office.

(3) A Chairman or a Vice-Chairman removed from office under sub-section (1) of section 9 on any of the grounds enumerated in clauses (a), (b) and (c) of that sub-section and clauses (a) and (c) of sub-section (4) of section 12 shall not be eligible for election or appointment as a member of, or for election or appointment to any office in, any of the bodies constituted under this Act for a period of four years from the date of such removal.

Disqualifi-
cations of
members
of *Zilla*
Parishad.

11. A person shall not be qualified to be a member of a *Zilla Parishad*, if—

- (a) he is under twenty-five years of age ; or
- (b) he is an officer or employee of the *Zilla Parishad*, an *Anchalik Parishad* within the district or any Standing Committee thereof ; or
- (c) he has been dismissed from the service of the Central or a State Government or a local authority for misconduct ; or
- (d) he has been adjudged by a competent court to be of unsound mind ; or
- (e) he is an undischarged insolvent ; or
- (f) he being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part ; or
- (g) he is in arrears for more than a year in respect of any tax, rate or fee payable under this Act or the West Bengal Panchayat Act, 1957 ; or
- (h) he has been convicted and sentenced to undergo imprisonment by a court for an offence involving moral turpitude punishable with imprisonment for a period of more than six months, and five years have not

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Act I of
1957.

XXXV of 1963.]

(Part II.—Zilla Parishad.—Chapter II.—Establishment and constitution of Zilla Parishad.—Section 12.)

elapsed from the date of the expiration of the sentence unless the State Government on sufficient cause having been shown shall have removed the disqualification by an order made in this behalf.

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Ben. Act
XXI of
1940.

12. (1) No member or associate member of the *Zilla Parishad* shall, directly or indirectly by himself, partner, employer or employee, have any share or interest in any contract other than a share or interest in any company as defined in the Companies Act, 1956, or in any Co-operative Society registered under the Bengal Co-operative Societies Act, 1940, which is a party to any such contract, with, by or on behalf of, the *Zilla Parishad*.

Removal of
a member
of the
Zilla
Parishad.

(2) If any member or associate member acquires any such share or interest he shall cease to be a member of the *Zilla Parishad* with effect from such date as the State Government may specify.

(3) If a member acts as a lawyer against the *Zilla Parishad* in any legal proceedings to which the *Zilla Parishad* is a party he shall cease to be a member of the *Zilla Parishad* with effect from such date as the State Government may specify.

(4) The State Government may, after giving an opportunity to a member or an associate member to show cause against the action proposed to be taken against him, by an order in writing, remove him from office—

- (a) on the grounds of misconduct in the discharge of his duties ; or
- (b) if he refuses to act or becomes incapable of acting as such member ; or
- (c) if after he becomes a member he is convicted by a court of an offence involving moral turpitude punishable with imprisonment for a period of more than six months ; or
- (d) if he is absent from six consecutive meetings of the *Zilla Parishad* without sufficient cause ; or
- (e) if he is in arrears for more than one year in respect of any tax, rate or fee payable under this Act or the West Bengal *Panchayat* Act, 1957 ; or
- (f) if he was disqualified to be a member of the *Zilla Parishad* at the time when he became a member ; or
- (g) if he incurs any of the disqualifications mentioned in clauses (c), (d), (e) and (f) of section 11 after becoming a member of the *Zilla Parishad*.

West Ben.
Act I of
1957.

[West Ben. Act

(Part II.—Zilla Parishad.—Chapter II.—Establishment and Constitution of Zilla Parishad.—Section 13.—Chapter III.—Transaction of Business.—Sections 14, 15.)

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13. The Chairman or the Vice-Chairman or a member referred to in clause (1) of section 4 may resign his office by notifying in writing his intention to do so to the prescribed authority and shall vacate his office on such resignation being accepted and the vacancy so caused shall be filled in such manner as may be prescribed.

CHAPTER III.

Transaction of Business.

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14. (1) A member of a *Zilla Parishad* other than a member referred to in sub-clauses (c) and (d) of clause (1) of section 4 shall before taking his seat, make and subscribe in the presence of the other members or such of them as would be sufficient to form a quorum at a meeting, assembled for a meeting of which notice has been given, an oath or affirmation of his allegiance to the Constitution of India in the form set out for the purpose in the First Schedule.

(2) A member who fails to make and subscribe, without sufficient cause, within three months from the date on which his term of office commences, the oath or affirmation referred to in sub-section (1) shall cease to hold his office and his seat shall be deemed to have become vacant and the vacancy so caused shall be filled in such manner as may be prescribed.

ngs.

15. (1) A *Zilla Parishad* shall hold a meeting at least once a month at its office on such date and at such time as the Chairman may fix after giving at least ten clear days' notice to the members and the associate members of the *Zilla Parishad* :

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Provided that the Chairman may, in case of emergency, call a special meeting after giving at least three clear days' notice to the members and the associate members of the *Zilla Parishad* :

Provided further that, when so requested by a requisition in writing by not less than one-third of the members of the *Zilla Parishad*, the Chairmnn shall, within seven days of the receipt by him of such requisition, give ten clear days' notice of a meeting of the *Zilla Parishad* to be held within fifteen days of the date of such notice, failing which the signatories to the requisition may, after sending intimation to the prescribed authority, call such meeting after giving at least ten clear days' notice to the Chairman, other members and the associate members of the *Zilla Parishad*.

XXXV of 1963.]

(Part II.—Zilla Parishad.—Chapter III.—Transaction of Business.—Section 16.—Chapter IV.—Powers, Functions and Duties of Zilla Parishad.—Sections 17, 18.)

(2) The Chairman or, in his absence, the Vice-Chairman shall preside at a meeting of the *Zilla Parishad*, and, in the absence of both the Chairman and the Vice-Chairman, the members present shall elect one from among themselves to be the president of the meeting.

(3) Not less than one-third of the total number of members shall form a quorum for a meeting.

(4) All questions coming before a meeting shall be decided by the votes of the majority of members :

Provided that an associate member shall have no right to vote :

Provided further that in case of equality of votes the person presiding shall have a second or casting vote.

16. A *Zilla Parishad* may, at a meeting specially convened for the purpose, by a resolution delegate to its Chairman and Vice-Chairman such of its powers, functions and duties as it may think fit, subject to such conditions and restrictions as may be prescribed, and may by a like resolution withdraw all or any of such powers, functions and duties.

Delegation of functions of *Zilla Parishad* to its Chairman.

CHAPTER IV.

Powers, Functions and Duties of *Zilla Parishad*.

17. (1) A *Zilla Parishad* shall have the power to acquire, hold and dispose of property and to enter into contracts.

Power to acquire, hold and dispose of property.

(2) A *Zilla Parishad* may, with the previous sanction of the State Government, acquire land under the provisions of any law for the time being in force for carrying out the purposes of this Act.

18. (1) Subject to any general or special directions of the State Government, a *Zilla Parishad* shall have power to—

Power of *Zilla Parishad*.

- (a) (i) undertake schemes or adopt measures, including the giving of financial assistance, relating to the development of agriculture, livestock, industries, co-operative movement, rural credit, water-supply, irrigation, public health and sanitation including establishment of dispensaries and hospitals, communications, primary or adult education including welfare of students, social welfare and other objects of general public utility ;

[West Ben. Act

(Part II.—Zilla Parishad.—Chapter IV.—Powers, Functions and Duties of Zilla Parishad.—Section 18.)

- (ii) undertake execution of any scheme, performance of any act, or management of any institution or organisation entrusted to it by the State Government or any other authority ;
- (iii) manage or maintain any work of public utility or any institution vested in it or under its control and management ;
- (iv) make grants in aid of any school, public library, public institution or public welfare organisation within the district ;
- (v) contribute such sums as may be agreed upon towards cost of maintenance of any institutions, situated outside the district, which are beneficial to, and habitually used by, the inhabitants of the district ;
- (vi) establish scholarships or award stipends within the State for the furtherance of technical or other special forms of education ;
- (vii) acquire and maintain village *hats* and markets ;
- (b) make grants to the *Anchalik Parishads* ;
- (c) contribute, with the approval of the State Government, such sum or sums as it may decide, towards the cost of water-supply or anti-epidemic measures undertaken by the commissioners of a municipality within the district ;
- (d) adopt measures for the relief of distress ;
- (e) co-ordinate and integrate the development plans and schemes prepared by *Anchalik Parishads* in the district ; and
- (f) examine and sanction the budget estimates of *Anchalik Parishads* in the district :

Provided that any general or special directions of the State Government to a *Zilla Parishad* in matters relating to Primary Education shall be issued by the Education Department.

(2) A *Zilla Parishad* shall have the power to advise the State Government on all matters relating to the development of the district including the allocation of development work among *Gram Panchayats*, *Anchal Panchayats* and *Anchalik Parishads*.

(3) Notwithstanding anything in sub-section (1), a *Zilla Parishad* shall not undertake or execute any scheme confined to a block unless the implementation of such a scheme is beyond the competence of the *Anchalik Parishad* concerned financially

XXXV of 1963.]

(Part II.—Zilla Parishad.—Chapter IV.—Powers, Functions and Duties of Zilla Parishad.—Sections 19—22.)

or otherwise. In the latter case the *Zilla Parishad* may execute the scheme itself or entrust its execution to the *Anchalik Parishad* and give it such assistance as may be required.

(4) A *Zilla Parishad* may undertake or execute any scheme if it extends to more than one block.

19. In a district to which the Bengal Vaccination Act, 1880, has been, or may hereafter be, extended, the *Zilla Parishad* shall exercise all or any of the powers exercisable by the Magistrate of the district under section 25 of the said Act.

Zilla Parishad to have powers of Magistrate in district to which the Vaccination Act extends.

20 (1) The State Government may, from time to time, with the consent of the *Zilla Parishad*, place any road, bridge, ferry, channel, building or other property vested in the State Government and situated within the district under the control and management of the *Zilla Parishad* subject to such conditions as it may specify.

State Government may place other property under Zilla Parishad.

(2) The State Government may, notwithstanding anything contained in the Bengal Municipal Act, 1932, direct, after consultation with the commissioners of a municipality, that the control and maintenance of any road part of which runs through a municipality and is vested in the commissioners of such municipality shall be taken over by the *Zilla Parishad* and that the commissioners of such municipality shall make such contribution for the maintenance of the road as may be agreed upon or as may be fixed by the State Government in the absence of agreement. On such direction being given the commissioners of the municipality shall cease to control and maintain such portion of the road as lies within such municipality.

21. A *Zilla Parishad* may take over the maintenance and control of any road, bridge, tank, *ghat*, well, channel or drain belonging to a private owner or any other authority on such terms as may be agreed upon.

Zilla Parishad may take over works.

22. A *Zilla Parishad* may divert, discontinue or close temporarily any road which is under its control and management or is vested in it, and may, with the approval of the State Government, close any such road permanently.

Power of Zilla Parishad to divert, discontinue or close road.

[West Ben. Act

(Part II.—Zilla Parishad.—Chapter IV.—Powers, Functions and Duties of Zilla Parishad.—Sections 23—27.—Chapter V.—Establishment of the Zilla Parishad.—Section 28.)

Power of
Zilla
Parishad
to transfer
roads
to the
State
Govern-
ment or
Anchalik
Parishad.

23. A Zilla Parishad may transfer to the State Government or to an Anchalik Parishad any road or part of a road or any other property which is under its control or management, or which is vested in it, on such terms and conditions as may be agreed upon.

Vesting
of Zilla
Parishad
with
certain
powers.

24. (1) A Zilla Parishad may be vested by the State Government with such powers under any local or special Act as the State Government may think fit.

(2) A Zilla Parishad shall perform such functions as may be transferred to it by notification under section 31 of the Cattle-trespass Act, 1871. 1 of 1871.

(3) A Zilla Parishad shall exercise such other powers, perform such other functions or discharge such other duties as the State Government may, by general or special order, direct.

Joint
execution
of schemes
by two or
more Zilla
Parishads.

25. The Zilla Parishads of two or more adjacent districts may jointly undertake and execute at common cost any development scheme or project or may jointly establish a common ferry on such terms and conditions as may be agreed upon, and in case of any difference as to the interpretation of terms and conditions the matter shall be referred to the Government whose decision shall be final.

Page 524—

In Chapter IV, after section 27, insert the following section, namely:—

"Exemption of
Chairman and
members of
Zilla Parishad
from attending
registration
office.

27A. Notwithstanding anything contained in the Indian Registration Act, 1908 or 10 of 1908, any rules made thereunder, the registering officer shall, on the requisition of the Chairman made in writing and under the common seal of the Zilla Parishad, register a document executed by the Chairman or a member of a Zilla Parishad on behalf of the Zilla Parishad without requiring the presence of the Chairman or the member concerned at the registration office."

(Inserted by West Ben. Act XII of 1967, section 4.)

[No. 5, dated the 1st May, 1970.]

Staff of the
Zilla
Parishad.

28. (1) There shall be an Executive Officer for a Zilla Parishad appointed by the State Government on such terms and conditions as may be prescribed :

XXXV of 1963.]

(Part II.—Zilla Parishad.—Chapter V.—Establishment of the Zilla Parishad.—Sections 29—30.)

Provided that any person so appointed shall be recalled by the State Government if a resolution to that effect is passed by the *Zilla Parishad*, at a meeting specially convened for the purpose, by a majority of not less than two-thirds of the total number of members holding office for the time being.

(2) There shall be a Secretary of the *Zilla Parishad* to be appointed by the *Zilla Parishad* :

Provided that the District Panchayat Officer shall be the *ex-officio* Secretary for a period of four years from the date of the establishment of the *Zilla Parishad* under sub-section (1) of section 3 and for such further period as the *Zilla Parishad* may, by a resolution passed to that effect and with the approval of the State Government, determine.

(3) A *Zilla Parishad* may appoint such other officers and employees as may be required by it and may fix the salaries to be paid to the persons so appointed :

Provided that no post carrying a monthly salary of rupees three hundred and one or more shall be created or abolished by the *Zilla Parishad* without the approval of the State Government.

29. The State Government may place at the disposal of the *Zilla Parishad* the services of such officers or other employees serving under it as it may think fit :

Placing the services of State Government Officers at the disposal of *Zilla Parishad*

Provided that any such officer or employee shall be recalled by the State Government if a resolution to that effect is passed by the *Zilla Parishad*, at a meeting specially convened for the purpose, by a majority of not less than two-thirds of the total number of members holding office for the time being :

Provided further that the State Government shall have disciplinary control over such officers and employees.

30. (1) The Executive Officer shall exercise general control over all officers and other employees of the *Zilla Parishad*.

Control and punishment of the staff of the *Zilla Parishad*.

(2) The Executive Officer may award any punishment other than dismissal, removal or reduction in rank to an officer or employee holding a post carrying a monthly salary of less than rupees three hundred but shall not award any punishment to an officer or employee holding a post carrying a monthly salary of rupees three hundred or more.

(3) The Executive Officer may recommend the dismissal, removal or reduction in rank of an officer or employee holding a post carrying a monthly salary of less than rupees three

[West Ben. Act

(Part II.—Zilla Parishad.—Chapter V.—Establishment of the Zilla Parishad.—Sections 31, 32.—Chapter VI.—Standing Committees of the Zilla Parishad.—Section 33.)

hundred to the Finance and Establishment Committee and such Committee shall forward the case to the *Zilla Parishad* with its own recommendation. The *Zilla Parishad* may, if it is satisfied with such recommendation of the Finance and Establishment Committee, dismiss, remove or reduce in rank any such officer or employee.

(4) No officer or other employee holding a post carrying a monthly salary of rupees three hundred or more shall be punished by the *Zilla Parishad* except by a resolution of the *Zilla Parishad* passed at a meeting.

Appeal.

31. (1) An appeal shall lie to the *Zilla Parishad* against an order of punishment awarded by the Executive Officer under sub-section (2) of section 30 within one month from the date of that order.

(2) An appeal shall lie to the State Government against an order of punishment awarded by the *Zilla Parishad* under sub-sections (3) and (4) of section 30 within one month from the date of that order.

Exercise of powers, etc., by the officers and employees.

32. Subject to the provisions of this Act and the rules framed thereunder and to any general or special directions given by the State Government in that behalf the officers and other employees employed by the *Zilla Parishad* and the officers and other employees whose services have been placed at the disposal of the *Zilla Parishad* shall exercise such powers, perform such functions and discharge such duties as the *Zilla Parishad* may determine.

CHAPTER VI.

Standing Committees of the Zilla Parishad.

Standing Committees.

33. (1) A *Zilla Parishad* shall have the following Standing Committees, namely :—

- (i) Finance and Establishment Committee,
- (ii) Public Health Committee,
- (iii) Public Works Committee,
- (iv) Agriculture and Irrigation Committee,
- (v) Industry and Co-operation Committee,
- (vi) Public and Social Welfare Committee,
- (vii) Primary Education Committee as provided under section 38, and

XXXV of 1963.]

(Part II.—Zilla Parishad.—Chapter VI.—Standing Committees of the Zilla Parishad.—Sections 34, 35.)

27-- (iii) such other Committee or Committees as it may constitute or under sub-section (2) of section 33, after the words "No of the State", insert the words "except the Chairman or the Vice- two Standing an".

(Inserted by West Ben. Act XXVII of 1965, clause (8) of section 3.)

id 37 shall not

[No. 2, dated the 1st May, 1970.]

the following Constitution of Standing

(i) suc

Page 527—

In section 34,—

To clause (iii) of sub-section (1) of section 34, add the following proviso, namely:—

e following

"Provided that no person who is disqualified to be a member of the Zilla Parishad under section 11 shall be so nominated;"

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(Added by West Ben. Act XII of 1967, section 5.)

[No. 5, dated the 1st May, 1970.]

ishad shall nance and

Standing Committee."

(Added and substituted by West Ben. Act XXVII of 1965, clause (9) of section 3.)

(2) The Chairman tl

Provided

[No. 2, dated the 1st May, 1970.]

(i) if the Chairman of the Zilla Parishad is elected a member of a Standing Committee, he shall be the ex-officio Chairman thereof, and

(ii) if the Vice-Chairman of the Zilla Parishad is elected a member of a Standing Committee of which the Chairman of the Zilla Parishad is not a member he shall be the ex-officio Chairman thereof.

35. (1) An elected member of a Standing Committee shall hold office for a period of four years or for so long as he continues to be a member of the Zilla Parishad, whichever is earlier.

Term of office of members of Standing Committees.

(2) An officer appointed as a member under clause (ii) of sub-section (1) of section 34 shall hold office until another officer is appointed to replace him.

¹For notification relating to appointment for each Zilla Parishad the Officers of the State Government and an Officer of the Zilla Parishad specified as members of the Standing Committees denoted, see notification No. 2275 Panch/1A-17/64, dated the 15.6.64, published in the Calcutta Gazette of 1964, Part I, page 1989.

After the proviso to sub-section (3) of section 35, add the following further proviso, namely:—

“Provided further that a nominated member may be removed from office by the State Government at any time before the expiry of the said period on any of the grounds mentioned in sub-section (4) of section 12 in the manner provided in that sub-section.”.

(Added by West Ben. Act XII of 1967, section 6.)

[No. 5, dated the 1st May, 1970.]

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airman.

36. A Chairman shall hold office for a period of four years or for so long as he continues to be a member of the Standing Committee, whichever is earlier :

Provided that the Chairman shall continue to hold office until a new Chairman is elected and assumes office.

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37. A Standing Committee shall exercise such powers, perform such functions and discharge such duties as may be prescribed or as may be assigned to it by the Zilla Parishad.

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ommittee.

38. (1) The District School Board, constituted under the Bengal (Rural) Primary Education Act, 1930, shall, subject to the provisions of sub-sections (3), (4) and (5), function as the Primary Education Committee of the Zilla Parishad and shall, subject to any general or special directions of the Education Department of the State Government, give effect to any instructions of the Zilla Parishad in so far as such instructions are not inconsistent with the provisions of the aforesaid Act.

Ben. Act
VII of
1930.

(2) The instructions which may be given by the Zilla Parishad may include instructions regarding—

- (a) the transfer of management of schools under the management of the District School Board to *Anchalik Parishads, Anchal Panchayats* or *Gram Panchayats* ;
- (b) the inspection of schools under the management of the District School Board, and of other schools the management whereof has been transferred to *Anchalik Parishads, Anchalik Panchayats*, or *Gram Panchayats*, and the submission of reports of such inspection to the Zilla Parishad ;
- (c) the making of payments by way of contribution or otherwise to *Anchalik Parishads, Anchal Panchayats* or *Gram Panchayats* for meeting the cost of management of the schools so transferred or for giving grants-in-aid to primary schools within their jurisdiction.

(3) Notwithstanding anything contained in the Bengal (Rural) Primary Education Act, 1930, the State Government may appoint two persons interested in education to be members of the District School Board.

Ben Act
VII of
1930,

XXXV of 1963.]

(Part II.—Zilla Parishad.—Chapter VII.—Property, Finance and Taxation.—Sections 39, 40.)

(4) An appointed member, unless sooner replaced, shall hold office for a term of four years and may, on the expiry of the said term, be reappointed by the State Government :

Provided that an appointed member shall continue to hold office after the expiry of the said term until another member is appointed by the State Government in his place.

(5) The District Primary Education Fund shall not form part of the Zilla Parishad Fund but shall continue to be a separate Fund.

(6) Save as provided in sub-sections (1), (2), (3) and (4), the provisions of the Bengal (Rural) Primary Education Act, 1930 shall govern the constitution, powers, functions and duties of the District School Board.

CHAPTER VII.

Property, Finance and Taxation.

39. All roads, buildings or other works constructed by a Zilla Parishad from its Fund shall vest in it.

Works constructed by Zilla Parishad to vest in it.

40. (1) For every Zilla Parishad there shall be constituted a fund to be called the Zilla Parishad Fund and there shall be placed to the credit thereof—

Zilla Parishad Fund.

- (a) contributions and grants, if any, made by the Central or the State Government including such part of land revenue collected in the district as may be determined by the State Government ;
- (b) contributions and grants, if any, made by an Anchalik Parishad or other local authority ;
- (c) loans, if any, granted by the Central or the State Government or raised by the Zilla Parishad on security of its assets ;
- (d) the proceeds of road cess levied in the district ;
- (e) all receipts on account of tolls, rates and fees levied by the Zilla Parishad ;
- (f) all receipts in respect of any schools, hospitals, dispensaries, buildings, institutions or works, vested in, constructed by or placed under the control and management of, the Zilla Parishad ;
- (g) all sums received as gift or contribution and all income from any trust or endowment made in favour of the Zilla Parishad ;

[West Ben. Act

(Part II.—Zilla Parishad.—Chapter VII.—Property, Finance and Taxation.—Sections 41, 42.)

(h) such fines or penalties imposed and realised under the provisions of this Act or of the bye-laws made thereunder, as may be prescribed ;

(i) all other sums received by or on behalf of the *Zilla Parishad*.

(2) The *Zilla Parishad* Fund shall be vested in *Zilla Parishad* and the amount standing to the credit of the fund shall be kept in such custody or invested in such manner as the State Government may, from time to time, direct.

(3) All orders and cheques for payments from the *Zilla Parishad* Fund shall be signed by the Chairman of the *Zilla Parishad* or by any other member authorised by him in writing in this behalf.

Proceeds
of road
cess to be
credited to
the *Zilla
Parishad
Fund*.

41. Notwithstanding anything to the contrary in the Cess Act, 1880 the proceeds of road cess, if any, levied and realised in a district shall be credited to the *Zilla Parishad* Fund after payment of the expenses mentioned in section 109 of the said Act.

Ben Act
IX of 188

Levy of
tolls, fees
and rates.

42. (1) Subject to such maximum rates as the State Government may prescribe, a *Zilla Parishad* may—

(a) levy tolls on persons, vehicles or animals or any class of them at any toll-bar established by it on any road other than a *kutcha* road or any bridge vested in it or under its management,

(b) levy tolls in respect of any ferry established by it or under its management,

(c) levy the following fees and rates, namely :—

(i) fees on the registration of vehicles or boats ;

(ii) a fee for providing sanitary arrangements at such places of worship or pilgrimage, fairs and *melas* within its jurisdiction as may be specified by the State Government by notification ;

(iii) a water rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the *Zilla Parishad* within its jurisdiction ;

(iv) a lighting rate, where arrangement for lighting of public streets and places is made by the *Zilla Parishad* within its jurisdiction.

(2) The *Zilla Parishad* shall not undertake registration of any vehicle or boat or levy fee therefor and shall not provide sanitary arrangements at places of worship or pilgrimages, fairs

XXXV of 1963.]

(Part II.—Zilla Parishad.—Chapter VII.—Property, Finance and Taxation.—Sections 43—47.)

and *melas* within its jurisdiction or levy fee therefor if such vehicle has already been registered by any other authority under any law for the time being in force or if such provision for sanitary arrangement has already been made by any other local authority.

43. (1) The scales of tolls, fees or rates and the terms and conditions for the imposition thereof shall be such as may be provided by bye-laws.

Scales of tolls, etc., to be provided by bye-laws.

(2) Such bye-laws may provide for exemption from all or any of the tolls, fees or rates in any class of cases.

44. A *Zilla Parishad* shall have power to spend such sums out of its Fund as it thinks fit—

Expenditure from the *Zilla Parishad* Fund.

(a) for carrying out the purposes of this Act ;

(b) for providing amenities for its officers and employees ; and

(c) for any special purpose approved by the State Government.

45. A *Zilla Parishad* may, subject to the provisions of any law relating to the raising of loans by local authorities for the time being in force, raise from time to time, with the approval of the State Government, loans for the purposes of this Act, and create a sinking fund for the repayment of such loans.

Zilla Parishad may raise loans and create a sinking fund.

46. (1) The Secretary shall in each year, before such date as may be prescribed, place before the *Zilla Parishad* the budget which shall be prepared by the Finance and Establishment Committee showing the probable receipts and expenditure during the following year. The *Zilla Parishad* shall adopt the budget with such modifications as it may think fit.

Budget.

(2) The budget so adopted shall be submitted to the State Government by such date as may be prescribed.

(3) The State Government may, within such time as may be prescribed, either approve of the budget or return it to the *Zilla Parishad* for such modifications as it may direct. On such modifications being made, the budget shall be resubmitted within such time as may be prescribed for approval to the State Government. If the approval of the State Government is not received by the *Zilla Parishad* by the last date of the year, the budget shall be deemed to have been approved by the State Government.

47. The Finance and Establishment Committee may, if it finds it necessary to do so, prepare a supplementary or revised budget and if such a budget is prepared the provisions of section 46 shall apply thereto.

Supplementary budget.

[West Ben. Act

(*Part II.—Zilla Parishad.—Chapter VII.—Property, Finance and Taxation.—Sections. 48, 49.*)—*Part III.—Anchalik Parishad.—Chapter VIII.—Constitution of the Anchalik Parishad.—Sections 50—52.*)

Accounts. 48. A *Zilla Parishad* shall keep an account of all receipts and expenditure in such form as may be prescribed.

Audit. 49. (1) The accounts shall be audited as soon as may be after the end of each year by such agency and in such manner as may be prescribed.

(2) A *Zilla Parishad* shall pay out of the *Zilla Parishad* Fund such sum as may be determined by the State Government by way of fees for such audit.

PART III.

Anchalik Parishad.

CHAPTER VIII.

Constitution of the Anchalik Parishad.

Constitu- 50. The State Government shall, by notification, divide a
tion of
blocks. district into blocks each comprising such *Anchals* as may be specified in the notification.

Establish- 51. (1) The State Government shall, by notification, establish
ment of
Anchalik
Parishad. for each block, with effect from such date as may be specified in the notification, an *Anchalik Parishad* bearing the name of the block.

(2) An *Anchalik Parishad* shall be a body corporate having perpetual succession and a common seal and may by its corporate name sue and be used.

Composi- 52. Subject to the provisions of sections 59 and 60, the
tion of
Anchalik
Parishad. following persons shall be members and associate member of the *Anchalik Parishad*, namely :—

(1) Members—

(a) *Pradhans*, and Presidents of the Union Boards within the block—*ex-officio* :

Provided that if any *Pradhan* communicates to the President of the *Anchalik Parishad*, in writing, his unwillingness to act as a member of the *Anchalik Parishad*, he shall with effect from the date of such communication, cease to be a member of the *Anchalik Parishad*, and the vacancy so caused shall be filled by election from among the members of the *Anchal Panchayat* of which he is the *Pradhan* in such manner and within such time as may be prescribed,

XXXV of 1963.]

(Part III.—Anchalik Parishad.—Chapter VIII.—Constitution of the Anchalik Parishad.—Section 53.)

- (b) one *Adhyaksha* from the territorial limits of each *Anchal Panchayat* elected by the *Adhyakshas* of that area from among themselves at such time and in such manner as may be prescribed :

Provided that if within the time fixed for the election, the *Adhyakshas* within the territorial limits of an *Anchal Panchayat* fail to elect the member, another election shall be held on such date as may be appointed by the State Government by notification to fill the vacancy and in case the *Adhyakshas* of such territorial limits still fail to elect the member at such second election, the State Government may appoint a member from among the *Adhyakshas* of such territorial limits and the person so appointed shall be deemed to be a duly elected member :

Provided further that if there be no *Anchal Panchayat* within the territorial limits of a Union Board the State Government may appoint a person residing within such territorial limits as a member,

(c) members of—

- (i) the House of the People or the Legislative Assembly of the State, elected thereto from a constituency comprising the block or any part thereof, not being a Minister,

- (ii) the Council of States or the Legislative Council of the State, not being a Minister, having a place of residence in the block,

(d) (i) two women, and

- (ii) two persons belonging to a backward community,

having a place of residence in the block, appointed by the State Government,

- (e) two persons who have knowledge of, or experience in, social work or rural development, having a place of residence within the block, co-opted by the members in such manner as may be prescribed.

(2) Associate member—

the Block Development Officer.

53. (1) A member referred to in sub-clause (c) of clause (1) of section 52 shall not be elected a member under the provisions of sub-clause (b) of clause (1) of that section.

(2) If a member referred to in any of the sub-clauses (a), (b), (d) and (e) of clause (1) of section 52 is subsequently elected a member of the House of the People or the Legislative Assembly of the State or subsequently becomes a member of the Council of States or the Legislative Council of the State, he shall cease to be a member of the *Anchalik Parishad* under the provisions of any such sub-clause.

Prohibition of simultaneous membership.

[West Ben. Act

(Part III.—Anchalik Parishad.—Chapter VIII.—Constitution of the Anchalik Parishad.—Sections 54, 55.)

Tenure of
office.

54. (1) A member elected under the proviso to sub-clause (a) of clause (1) of section 52 shall hold office for a period of four years or for so long as he continues to be a member of the *Anchal Panchayat* or until a new *Pradhan* of the *Anchal Panchayat* is elected, whichever is earlier.

(2) A member elected under sub-clause (b) of clause (1) of section 52 shall, subject to the provisions of section 53, hold office for a period of four years or for so long as he continues to be the *Adhyaksha*, whichever is earlier.

(3) A member appointed under the second proviso to sub-clause (b) of clause (1) of section 52 shall vacate office immediately on the establishment of an *Anchal Panchayat* for the area and the election of a *Pradhan* thereof.

(4) A member appointed under the first proviso to sub-clause (b) of clause (1) of section 52 and a member appointed under sub-clause (d) of clause (1) of that section shall hold office for a period of four years :

Provided that such a member shall continue to hold office on the expiry of the said term until another member is appointed by the State Government in his place.

(5) A member co-opted under sub-clause (e) of clause (1) of section 52 shall hold office for a period of four years.

(6) If any *Pradhan* or if any person referred to in sub-clauses (d) and (e) of clause (1) of section 52 be disqualified to be a member, the vacancy shall be filled in such manner and for such period as may be prescribed.

President
and Vice-
President.

55. (1) There shall be a President and a Vice-President for an *Anchalik Parishad* elected by the members thereof from among the members referred to in clause (1) of section 52.

(2) The President and the Vice-President shall, subject to the provisions of section 57 and to his continuing as a member, hold office for a period of four years :

Provided that a President or Vice-President shall continue in office after expiry of the said period until a new President or Vice-President is elected and assumes office.

(3) (a) When the office of the President falls vacant by reason of death, resignation or removal or is otherwise vacant, or

(b) when the President is, by reason of leave, illness or other cause, temporarily unable to exercise the powers, perform the functions and discharge the duties of his office,

the Vice-President shall exercise the powers, perform the functions and discharge the duties of the President until a new President is elected and assumes office or until the President resumes his duties, as the case may be.

XXXV of 1963.]

(Part III.—Anchalik Parishad.—Chapter VIII.—Constitution of the Anchalik Parishad.—Sections 56, 57.)

- (4) (a) When the office of the Vice-President falls vacant by reason of death, resignation or removal or is otherwise vacant, or
(b) when the Vice-President is by reason of leave, illness or other cause, temporarily unable to exercise the powers, perform the functions and discharge the duties of his office,

the President shall exercise the powers, perform the functions and discharge the duties of the Vice-President until a new Vice-President is elected and assumes office or until the Vice-President resumes his duties, as the case may be.

(5) When the offices of the President and the Vice-President are both vacant, the State Government may appoint a President and a Vice-President from among the members to act as such until a President and a Vice-President are elected and assume office.

(6) If a *Pradhan* or an *Adhyaksha* is elected as President or Vice-President of an *Anchalik Parishad*, he shall vacate the office of the *Pradhan* or the office of the *Adhyaksha*, as the case may be, but shall, notwithstanding the provisions of section 52 and sub-section (1) of this section, continue as the member and the President or the Vice-President of the *Anchalik Parishad*.

56. The President or the Vice-President shall have full access to all records of the *Anchalik Parishad* and may obtain report from the Chief Executive Officer on any matter connected with the administration or work of the *Anchalik Parishad*.

only:—
The Vice-
President shall
have access to
records and
report for
the con-

President
or Vice-
President
to have
access to
records or
to obtain
report.

57. (1) If the State Government is of opinion that the President or the Vice-President of an *Anchalik Parishad*—

- (a) is incapable of exercising his powers, performing his functions or discharging his duties, or
(b) wilfully neglects or refuses to carry out the directions of the State Government given under the provisions of this Act, or
(c) abuses his powers, or
(d) is liable to be removed on any of the grounds mentioned in section 60,

Removal
of the
President
and the
Vice-
President.

the State Government may, after giving the President or the Vice-President, as the case may be, an opportunity of being heard, by order, remove him from office and he shall thereupon cease to be a member of the *Anchalik Parishad* and also cease to be a member of, or to hold any office in, any of the bodies constituted under this Act.

(2) If a motion of no-confidence against the President or the Vice-President is carried—

[West Ben. Act

(Part III.—Anchalik Parishad.—Chapter VIII.—Constitution of the Anchalik Parishad.—Sections 58, 59.)

- (a) by the votes of less than two-thirds of the total number of members of the *Anchalik Parishad* holding office for the time being the State Government, may, and
- (b) by the votes of not less than two-thirds of the total number of members of the *Anchalik Parishad* holding office for the time being the State Government shall,

remove such President or Vice-President, as the case may be, from office.

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58. (1) When the President or the Vice-President is removed under section 57, the vacancy so caused shall be filled by election in such manner as may be prescribed.

(2) A president or a Vice-President elected under sub-section (1) shall hold office for the remainder of the term of his predecessor in office.

(3) A President or a Vice-President removed from office under sub-section (1) of section 57 on any of the grounds enumerated in clauses (a), (b) and (c) of that sub-section and clauses (a) and (c) of sub-section (4) of section 60 shall not be eligible for election or appointment as a member of, or for election or appointment to any office in, any of the bodies constituted under this Act for a period of four years from the date of such removal.

qualifi-
ons of
ibers of
halik
ishad.

59. A person shall not be qualified to be a member of an *Anchalik Parishad*, if—

- (a) he is under twenty-five years of age ; or
- (b) he is an officer or employee of the *Zilla Parishad*, an *Anchalik Parishad* within the district or any Standing Committee thereof ; or
- (c) he has been dismissed from the service of the Central or a State Government or a local authority for misconduct ; or
- (d) he has been adjudged by a competent court to be of unsound mind ; or
- (e) he is an undischarged insolvent ; or
- (f) he being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without and misconduct on his part ; or
- (g) he is in arrears for more than a year in respect of any tax, rate or fee payable under this Act or the West Bengal Panchayat Act, 1957 ; or

West Ben.
Act I of
1957.

XXXV of 1963.]

(Part VII.—Anchalik Parishad.—Chapter VIII.—Constitution of the Anchalik Parishad.—Section 60)

- (h) he has been convicted and sentenced to undergo imprisonment by a court for an offence involving moral turpitude punishable with imprisonment for a period of more than six months, and five years have not elapsed from the date of the expiration of the sentence unless the State Government on sufficient cause having been shown shall have removed the disqualification by an order made in this behalf.

60. (1) No member or associate member of the *Anchalik Parishad* shall, directly or indirectly by himself, partner, employer or employee, have any share or interest in any contract other than a share or interest in any company as defined in the Companies Act, 1956, or in a Co-operative Society registered under the Bengal Co-operative Societies Act, 1940, which is a party to any such contract, with, by or on behalf of the *Anchalik Parishad*.

Removal
of a
member
of the
*Anchalik
Parishad*.

(2) If any member or associate member acquires any such share or interest he shall cease to be a member of the *Anchalik Parishad* with effect from such date as the State Government may specify.

(3) If a member acts as a lawyer against the *Anchalik Parishad* in any legal proceedings to which the *Anchalik Parishad* is a party he shall cease to be a member of the *Anchalik Parishad* with effect from such date as the State Government may specify.

(4) The State Government may, after giving an opportunity to a member or an associate member to show cause against the action proposed to be taken against him, by an order in writing, remove him from office—

- (a) on the grounds of misconduct in the discharge of his duties ; or
- (b) if he refuses to act or becomes incapable of acting as such member ; or
- (c) if after he becomes a member he is convicted by a court of an offence involving moral turpitude punishable with imprisonment for a period of more than six months ; or
- (d) if he is absent from six consecutive meetings of the *Anchalik Parishad* without sufficient cause ; or
- (e) if he is in arrears for more than one year in respect of any tax, rate or fee payable under this Act or the West Bengal Panchayat Act, 1957 ; or
- (f) if he was disqualified to be a member of the *Anchalik Parishad* at the time when he became a member ; or

[West Ben. Act

(Part III.—Anchalik Parishad.—Chapter VIII.—Constitution
of the Anchalik Parishad.—Section 61.—Chapter IX.—
Transaction of Business.—Section 62.)

538— If he incurs any of the disqualifications mentioned in
section 61, after the words “such resignation being *arishad*.
ted”, insert the words “by the said authority”;

(Inserted by West Ben. Act XXVII of 1965, member referred
clause (13) of section 3.) fice by notifying
authority and

[No. 2, dated the 1st May, 1970.] ng accepted and
ner as may be

member. prescribed.

CHAPTER IX

Transaction of Business.

Meetings. 62. (1) An *Anchalik Parishad* shall hold a meeting at least
once a month Page 538—
President m
the membe In sub-section (1) of section 62, for the words “a mo
Parishad: substitute the words “in every three months”;

Provide (Substituted by West Ben. Act XXVII of 1965,
a special clause (14) of section 3.)
days' notice | No. 2, dated the 1st May, 1970. |
Anchalik Parishad :

Provided further that, when so requested by a requisition in
writing by not less than one-third of the members of the
Anchalik Parishad, the President shall, within seven days of the
request by him of such requisition, give ten clear

Page 538—
To sub-section (2) of section 62, add the following pro-
viso, namely:—

“Provided that when a meeting is held to consider a
motion of no-confidence against the President or
the Vice-President, the President or, as the case
may be, the Vice-President shall not preside at
such meeting and the provisions of this sub-
section shall apply as if the President or, as the
case may be, the Vice-President was absent from
such meeting.”

(Added by West Ben. Act XII of 1967, section 10.) ers

[No. 5, dated the 1st May, 1970.]
(2) All questions coming before a meeting shall be decided
by the votes of the majority of members :

Provided that the associate member shall have no
right to vote :

Provided further that in case of equality of votes the person
presiding shall have a second or casting vote.

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(Part III.—Anchalik Parishad.—Chapter IX.—Transaction of Buisness.—Section 63.—Chapter X.—Powers, Duties and Functions of Anchalik Parishad.—Sections 64, 65.)

Anchalik Parishad may, at a meeting specially con-
section 63. tion delegate to its
owers, functions and
(Omitted by West Ben. Act XXVII of 1965, to such conditions
clause (15) of section 3.) , and may by a
of such powers,
[No. 2, dated the 1st May, 1970.]
Delegation of func-
tions of
Anchalik
Parishad
to its
President.

CHAPTER X.

Powers, Duties and Functions of Anchalik Parishad.

64. (1) An *Anchalik Parishad* shall have the power to acquire, hold and dispose of property and to enter into contracts.

Power to
acquire,
hold and
dispose of
property.

(2) An *Anchalik Parishad* may, with the previous sanction of the State Government, acquire land under the provisions of any law for the time being in force for carrying out the purposes of this Act.

65. (1) An *Anchalik Parishad* shall have power to—

Power of
Anchalik
Parishad,

- (a) (i) undertake schemes or adopt measures, including the giving of financial assistance relating to the development of agriculture, livestock, cottage industries, co-operative movement, rural credit, water-supply, irrigation, public health and sanitation including establishment of dispensaries and hospitals, communications, primary or adult education including welfare of students, social welfare and other objects of general public utility ;
- (ii) undertake execution of any scheme, performance of any act, or management of any institution or organisation entrusted to it by the State Government or any other authority ;
- (iii) manage or maintain any work of public utility or any institution vested in it or under its control and management ;
- (iv) make grants in aid of any school, public library, public institution or public welfare organisation within the block ;
- (b) make grants to the *Zilla Parishad* or *Anchal Panchayats* ;
- (c) contribute with the approval of the State Government such sum or sums it may decide, towards the cost of water-supply or anti-epidemic measures undertaken by a municipality within the block ;

(Part III.—Anchalik Parishad.—Chapter X.—Powers, Duties and Functions of Anchalik Parishad.—Sections 66—69.)

(d) adopt measures for the relief of distress ;

(e) co-ordinate and integrate the development plans and schemes prepared by *Anchal Panchayats* in the blocks, if and when necessary.

(2) Notwithstanding anything in sub-section (1), an *Anchalik Parishad* shall not undertake or execute any scheme confined to an area over which a *Gram Panchayat* has jurisdiction unless the implementation of such a scheme is beyond the competence of the *Gram Panchayat* concerned financially or otherwise. In the latter case the *Anchalik Parishad* may execute the scheme itself or entrust its execution to the *Gram Panchayat* or the *Anchal Panchayat* and give it such assistance as may be required.

(3) An *Anchalik Parishad* may undertake or execute any scheme if it extends to more than one *Anchal*.

State
Govern-
ment may
place other
property
under
Anchalik
Parishad.

66. The State Government may, from time to time, with the consent of the *Anchalik Parishad*, place any road, bridge, ferry, channel, building or other property vested in the State Government and situated within the block under the control and management of an *Anchalik Parishad* subject to such conditions as it may specify :

Provided that the State Government may, after considering the views of the *Anchalik Parishad*, withdraw such control and management to itself subject to such conditions as it may specify.

Power of
Anchalik
Parishad
to transfer
roads or
properties
to the
State
Govern-
ment or
the *Zilla*
Parishad.

67. An *Anchalik Parishad* may transfer to the State Government or the *Zilla Parishad* any road or part of a road or any other property which is under its control or management, or which is vested in it, on such terms and conditions as may be agreed upon.

Anchalik
Parishad
may take
over works.

68. An *Anchalik Parishad* may take over the maintenance and control of any road, bridge, tank, *ghat*, well, channel or drain belonging to a private owner or any other authority on such terms as may be agreed upon.

Power of
Anchalik
Parishad
to divert,
discon-
tinue or
close road.

69. An *Anchalik Parishad* may divert, discontinue or close temporarily any road which is under its control and management or is vested in it, and may, with the approval of the State Government, close any such road permanently.

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(Part III.—Anchalik Parishad,—Chapter X.—Powers,
Duties and Functions of Anchalik Parishad.—
Sections 70—73.)

70. (1) An *Anchalik Parishad* may be vested by the State Government with such powers under any local or special Act as the State Government may think fit.

Vesting
Anchalik
Parishad
with certain
powers.

(2) An *Anchalik Parishad* shall perform such functions as may be transferred to it by notification under section 31 of the Cattle-trespass Act, 1871.

(3) An *Anchalik Parishad* shall exercise such other powers, perform such other functions or discharge such other duties as the State Government may, by general or special order, direct.

71. An *Anchalik Parishad* shall exercise general powers of supervision over *Anchal Panchayats* and *Gram Panchayats* in the block and it shall be the duty of these authorities to give effect to the directions of the *Anchalik Parishad* on matters of policy or planning for development.

Powers of
supervision
by *Anchalik*
Parishad
over the
Anchal
Panchayats,
etc.

72. (1) No place within a block shall be used without a licence, which shall be renewable annually, granted by the *Anchalik Parishad* for any trade or business declared by the State Government, by notification, to be offensive or dangerous.

Power to
prohibit
certain
offensive
and
dangerous
trades
without
licence and
to levy fee.

(2) The *Anchalik Parishad* may levy in respect of any licence granted by it under sub-section (1) a fee subject to the maximum rate prescribed by the State Government under sub-section (1) of section 86, and may impose such conditions in respect of such licence as may be considered necessary.

(3) Whoever uses without a licence any place for the purpose of any trade or business declared under sub-section (1) to be offensive or dangerous, or fails to comply with any condition in respect of such licence, shall be punished with a fine which may extend to rupees one hundred, and to a further fine which may extend to rupees twenty-five for each day after conviction during which he continues to do so.

(4) The *Anchalik Parishad*, upon the conviction of any person for failing to comply with any condition of a licence granted under sub-section (1), may suspend or cancel such licence.

73. An *Anchalik Parishad* may require the owner or the lessee of a *hat* or market or an owner or a lessee of land intending to hold a *hat* or market thereon, to obtain a licence in this behalf from the *Anchalik Parishad* on such terms and conditions as may be prescribed and on payment of a fee for such licence.

Power of
Anchalik
Parishad
to grant
licence
for *hat* or
market.

[Wen Ben. Act

(Part III.—Anchalik Parishad.—Chapter XI.—Establishment
of the Anchalik Parishad.—Sections 74—76.)

CHAPTER XI.

Establishment of the Anchalik Parishad.

Staff of the
Anchalik
Parishad.

74. (1) There shall be a Chief Executive Officer for an *Anchalik Parishad* and the Block Development Officer shall be the *ex-officio* Chief Executive Officer :

Provided that such Block Development Officer shall be recalled by the State Government if a resolution to that effect is passed by the *Anchalik Parishad*, at a meeting specially convened for the purpose, by a majority of not less than two-thirds of the total number of members holding office for the time being.

(2) An *Anchalik Parishad* may appoint such other officers and employees as may be required by it and may fix the salaries to be paid to the persons so appointed :

Provided that no post carrying a monthly salary of rupees two hundred or more shall be created or abolished by the *Anchalik Parishad* without the approval of the Commissioner.

Placing the
services of
State
Govern-
ment
officers
at the
disposal of
Anchalik
Parishad.

75. The State Government may place at the disposal of the *Anchalik Parishad* the services of such officers or other employees serving under it as it may think fit :

Provided that any such officer or employee shall be recalled by the State Government if a resolution to that effect is passed by the *Anchalik Parishad*, at a meeting specially convened for the purpose, by a majority of not less than two-thirds of the total number of members holding office for the time being :

Provided further that the State Government shall have disciplinary control over such officers and employees.

Control
and
punish-
ment of
the staff
of the
Anchalik
Parishad.

76. (1) The Chief Executive Officer shall exercise general control over all officers and employees of the *Anchalik Parishad*.

(2) The Chief Executive Officer may award any punishment other than dismissal, removal or reduction in rank to an officer or employee holding a post carrying a monthly salary of less than rupees two hundred but shall not award any punishment to an officer or employee holding a post carrying a monthly salary of rupees two hundred or more.

(3) The Chief Executive Officer may recommend the dismissal, removal or reduction in rank of an officer or employee holding a post carrying a monthly salary of less than rupees two hundred to the Finance and Establishment Committee and such Committee shall forward the case to the *Anchalik Parishad* with its own recommendation. The *Anchalik Parishad* may, if it is satisfied with such recommendation of the Finance and Establishment Committee, dismiss, remove or reduce in rank any such officer or employee.

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(Part III.—Anchalik Parishad.—Chapter XI.—Establishment of the Anchalik Parishad.—Sections 77, 78.—Chapter XII.—Standing Committees of the Anchalik Parishad.—Sections 79, 80.)

(4) No officer or other employee holding a post carrying a monthly salary of rupees two hundred or more shall be punished by the *Anchalik Parishad* except by a resolution of the *Anchalik Parishad* passed at a meeting.

77. (1) An appeal shall lie to the *Anchalik Parishad* against an order of punishment awarded by the Chief Executive Officer under sub-section (2) of section 75 within one month from the date of that order. Appeal.

(2) An appeal shall lie to the Commissioner against an order of punishment awarded by the *Anchalik Parishad* under sub-sections (3) and (4) of section 76 within one month from the date of that order.

78. Subject to the provisions of this Act and the rules framed thereunder and to any general or special directions given by the State Government in that behalf the officers and other employees employed by the *Anchalik Parishad* and the officers and other employees whose services have been placed at the disposal of the *Anchalik Parishad* shall exercise such powers, perform such functions and discharge such duties as the *Anchalik Parishad* may determine. Exercise of powers, etc., by the officers and employees.

CHAPTER XII.

Standing Committees of the *Anchalik Parishad*.

79. (1) An *Anchalik Parishad* shall have the following Standing Committees, namely :— Standing Committees of the *Anchalik Parishad*.

- (i) Finance and Establishment Committee,
- (ii) Public Health Committee,
- (iii) Public Works Committee,
- (iv) Agriculture and Irrigation Committee,
- (v) Industry and Co-operation Committee,
- (vi) Public and Social Welfare Committee,
- (vii) Primary Education Committee, and
- (viii) such other Committee or Committees as it may constitute subject to the approval, or under any general or special directions, of the State Government.

(2) No person shall be a member of more than two Standing Committees.

80. (1) A Standing Committee shall consist of the following members— Constitution of Standing Committees.

- (i) five persons to be elected by the members of the *Anchalik Parishad* from among themselves ;

The West Bengal Zilla Parishads Act, 1963.

[West Ben. Act

(Part III.—Anchalik Parishad.—Chapter XII.—Standing Committees of the Anchalik Parishad.—Sections 81—83.)

- (ii) not more than two persons being officers of the State Government or of the *Anchalik Parishad* ¹appointed by the State Government :

Provided that such officers shall not be eligible for election as Chairman of the Standing Committee and shall not have any right to vote ;

- (iii) not more than two persons having knowledge of, and experience in, the subjects assigned to a Standing Committee nominated by the *Anchalik Parishad*.

(2) The members of a Standing Committee shall elect a Chairman thereof from among themselves :

Provided that—

- (i) if the President of the *Anchalik Parishad* is elected a member of a Standing Committee, he shall be the *ex-officio* Chairman thereof, and
- (ii) if the Vice-President of the *Anchalik Parishad* is elected a member of a Standing Committee of which the President of the *Anchalik Parishad* is not a member he shall be the *ex-officio* Chairman thereof.

Term of
office of
members
of
Standing
Commit-
tees.

81. (1) An elected member of a Standing Committee shall hold office for a period of four years or for so long as he continues to be a member of the *Anchalik Parishad*, whichever is earlier.

(2) An officer appointed as a member under clause (ii) of sub-section (1) of section 80 shall hold office until another officer is appointed to replace him.

(3) A nominated member shall hold office for a period of four years :

Provided that a nominated member shall continue in office after the expiry of the said period until a new member is nominated in his place.

Term of
office of
Chairman.

82. A Chairman shall hold office for a period of four years or for so long as he continues to be a member of the Standing Committee, whichever is earlier :

Provided that the Chairman shall continue to hold office until a new Chairman is elected and assumes office.

Powers of
Standing
Commit-
tees.

83. A Standing Committee shall exercise such powers, perform such functions and discharge such duties as may be prescribed or as may be assigned to it by the *Anchalik Parishad*.

¹For notification relating to appointment for each *Anchalik Parishad* the officers of the State Government specified as members of the Standing Committees denoted, see notification No. 3376/Panch/IA—17/64, dated the 15th June, 1964, published in the *Calcutta Gazette* of 1964, Part I, page 1989.

XXXV of 1963.]

(Part III.—Anchalik Parishad.—Chapter XIII.—Property,
Finance and Taxation.—Sections 84, 85.)

CHAPTER XIII.

Property, Finance and Taxation.

84. All roads, buildings or other works constructed by an *Anchalik Parishad* from its Fund shall vest in it.

Works
constructed
by *Anchalik
Parishad*
to vest
in it.

85. (1) For every *Anchalik Parishad* there shall be constituted a fund to be called the *Anchalik Parishad* Fund and there shall be placed to the credit thereof—

*Anchalik
Parishad
Fund.*

- (a) contributions and grants, if any, made by the Central or the State Government ;
- (b) contributions and grants, if any, made by the *Zilla Parishad* or other local authority ;
- (c) loans, if any, granted by the Central or the State Government or raised by the *Anchalik Parishad* on security of its assets ;
- (d) all receipts on account of tolls, rates and fees levied by it ;
- (e) all receipts in respect of any schools, hospitals, dispensaries, buildings, institutions or works, vested in, constructed by or placed under the control and management of, the *Anchalik Parishad* ;
- (f) all sums received as gift or contribution and all income from any trust or endowment made in favour of the *Anchalik Parishad* ;
- (g) such fines or penalties imposed and realised under the provisions of this Act or of the bye-laws made thereunder, as may be prescribed ; and
- (h) all other sums received by or on behalf of the *Anchalik Parishad*.

(2) The *Anchalik Parishad* Fund shall be vested in the *Anchalik Parishad* and the balance standing to the credit of the fund shall be kept in such custody as the State Government may, from time to time, direct.

(3) All orders and cheques for payments from the *Anchalik Parishad* Fund shall be signed by the President of the *Anchalik Parishad* or by any other member authorised by him in writing in this behalf,

[West Ben. Act

(Part III.—Anchalik Parishad.—Chapter XIII.—Property,
Finance and Taxation.—Sections 86—88.)

Levy of
tolls, rates
and fees.

86. (1) Subject to such maximum rates as the State Government may prescribe, an *Anchalik Parishad* may—

- (a) levy tolls on persons, vehicles or animals or any class of them at any toll-bar established by it on any road other than a *kutchra* road or any bridge vested in it or under its management ;
- (b) levy tolls in respect of any ferry established by it or under its management ;
- (c) levy the following fees and rates, namely :—
 - (i) fees on the registration of vehicles ;
 - (ii) a fee for providing sanitary arrangements at such places of worship or pilgrimage, fairs and *melas* within its jurisdiction as may be specified by the State Government by notification ;
 - (iii) a fee for licence for a *hat* or market held within its jurisdiction ;
 - (iv) a fee for licence referred to in sub-section (2) of section 72 ;
 - (v) a water rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the *Anchalik Parishad* within its jurisdiction ;
 - (vi) a lighting rate, where arrangement for lighting of public streets and places is made by the *Anchalik Parishad* within its jurisdiction.

(2) An *Anchalik Parishad* shall not undertake registration of any vehicle or levy fee therefor and shall not provide sanitary arrangements at places of worship or pilgrimages, fairs and *melas* within its jurisdiction or levy fee therefor if such vehicle has already been registered by any other authority under any law for the time being in force or if such provision for sanitary arrangement has already been made by any other local authority.

Scales of
tolls, etc.,
to be
provided
by bye-
laws.

87. (1) The scales of tolls, fees or rates and the terms and conditions for the imposition thereof shall be such as may be provided by bye-laws.

(2) Such bye-laws may provide for exemption from all or any of the tolls, fees or rates in any class of cases.

Expendi-
ture
from the
Anchalik
Parishad
Fund.

88. An *Anchalik Parishad* shall have power to spend such sums out of its Fund as it thinks fit—

- (a) for carrying out the purposes of this Act ;
- (b) for providing amenities for its officers and employees ; and
- (c) for any special purpose approved by the State Government.

XXXV of 1963.]

(Part III.—Anchalik Parishad.—Chapter XIV.—Property,
Finance and Taxation.—Sections 89—92.)

89. An *Anchalik Parishad* may, subject to the provisions of any law relating to the raising of loans by local authorities, for the time being in force, raise from time to time, with the approval of the State Government, loans for the purposes of this Act, and to create a sinking fund for the repayment of such loans.

Anchalik Parishad may raise loans.

90. (1) The Chief Executive Officer shall in each year, before such date as may be prescribed, place before the *Anchalik Parishad* the budget, which shall be prepared by the Finance and Establishment Committee, showing the probable receipts and expenditure of the following year and the *Anchalik Parishad* shall adopt the budget with such modifications as it may think fit.

Budget.

(2) The budget so adopted shall be submitted to the *Zilla Parishad* by such date as may be prescribed.

(3) The *Zilla Parishad* may, within such time as may be prescribed, either approve of the budget or return it to the *Anchalik Parishad* for such modifications as it may direct. On such modifications being made the budget shall be resubmitted within such time as may be prescribed for approval to the *Zilla Parishad*. If the approval of the *Zilla Parishad* is not received by the *Anchalik Parishad* by the last date of the year, the budget shall be deemed to be approved by the *Zilla Parishad*.

91. The Finance and Establishment Committee may, if it finds it necessary to do so, prepare a supplementary or revised budget and if such a budget is prepared the provisions of section 90 shall apply.

Supplementary budget.

92. (1) An *Anchalik Parishad* shall keep such accounts and submit such statements relating to accounts to the State Government and the *Zilla Parishad* as may be prescribed.

Accounts and Audit.

(2) Accounts of receipts and expenditure of every *Anchalik Parishad* shall be maintained in such forms as may be prescribed.

(3) The Chief Executive Officer shall submit quarterly statements, in such form as may be prescribed, of income and expenditure of the *Anchalik Parishad* to the *Zilla Parishad* with his comments.

(4) The accounts shall be audited as soon as may be after the end of each year by such agency and in such manner as may be prescribed.

(5) An *Anchalik Parishad* shall pay out of the *Anchalik Parishad* Fund such sum as may be determined by the State Government by way of fees for such audit.

[West Ben. Act

(Part IV.—Chapter XIV.—Miscellaneous.—Sections
93—97.)

PART IV.

CHAPTER XIV.

Miscellaneous.

Validation.

93. No act or proceeding of a *Zilla Parishad* or an *Anchalik Parishad* or of any Standing Committee thereof shall be deemed to be invalid merely by reason of the existence of any vacancy in the *Zilla Parishad* or *Anchalik Parishad* or in any Standing Committee thereof, or any defect or irregularity in the constitution of the *Zilla Parishad* or *Anchalik Parishad* or any Standing Committee thereof.

Backward community.

94. The State Government may, by notification, specify for the purposes of this Act, the community which is in its opinion socially, economically or educationally backward.

Members, officers and employees to be public servants.

95. All members, associate members, officers and employees of the *Zilla Parishad* or the *Anchalik Parishad* shall be deemed, when acting or purporting to act in pursuance of the discharge of their duties, or in the exercise of their powers under this Act or under the rules, regulations or bye-laws made thereunder, to be public servants within the meaning of section 21 of the Indian Penal Code.

Act XLV
of 1860.

Indemnity.

96. No suit or other legal proceeding shall lie against the *Zilla Parishad* or the *Anchalik Parishad* or against any member or associate member of such *Parishad* or of any Standing Committee thereof or any officer or employee of such *Parishad* for anything in good faith done or intended to be done in pursuance of this Act or of any rules, regulations or bye-laws made thereunder.

No suit to be brought against members of the *Zilla Parishad* or *Anchalik Parishad* or their officers until after notice.

97. (1) No suit shall be brought against the *Zilla Parishad*, or *Anchalik Parishad* or any of its member or associate member or any officer or employee for anything done under this Act or under the rules, regulations or bye-laws made thereunder, until the expiration of one month next after notice in writing, stating the cause of action and the name and place of residence of the person who intends to bring the suit, has been delivered or left at the office of such *Parishad* and also if the suit is intended to be brought against any officer or employee of such *Parishad* at the place of residence of such officer or employee.

(2) Every such suit shall be commenced within three months from the date of service of the notice under sub-section (1) and not afterwards.

(3) No such suit shall lie if any such person to whom notice is given shall, before the suit is commenced, tender sufficient amends to the plaintiff.

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(Part IV.—Chapter XIV.—Miscellaneous.—Sections 98—102.)

98. The *Zilla Parishad* or the *Anchalik Parishad* may pay compensation out of the *Zilla Parishad* Fund or the *Anchalik Parishad* Fund, as the case may be, to any person sustaining any damage by reason of the exercise of any of the powers conferred by this Act or the rules, regulations or bye-laws made thereunder.

Power to make compensation out of *Zilla Parishad* or *Anchalik Parishad* Fund.

99. If any dispute arises between two or more *Anchal Panchayats* or between an *Anchal Panchayat* and any of its constituent *Gram Panchayat* within the jurisdiction of the same *Anchalik Parishad*, it shall be referred to the *Anchalik Parishad* by any party to the dispute. The decision of the *Anchalik Parishad* on such dispute shall be final.

Reference of disputes to *Anchalik Parishad*.

100. If any dispute arises between an *Anchal Panchayat* and an *Anchalik Parishad* or between two or more *Anchalik Parishads* within the jurisdiction of the same *Zilla Parishad*, it shall be referred to the *Zilla Parishad* by any party to the dispute. The decision of the *Zilla Parishad* on such dispute shall be final.

Reference of disputes to *Zilla Parishad*.

101. If any dispute arises between two or more *Zilla Parishads* or between a *Zilla Parishad* and an *Anchalik Parishad* within its jurisdiction, it shall be referred to the State Government by any party to the dispute. The decision of the State Government on such dispute shall be final.

Reference of disputes to State Government.

102. (1) If any dispute arises as to the validity of an election under this Act, any person entitled to vote at such election may, within thirty days after the date of the declaration of the result of such election, file a petition, calling in question such election, before the District Judge of the district within which the election has been held and shall at the same time deposit rupees two hundred in court as security for the costs likely to be incurred :

Disputes as to election.

Provided that the District Judge may transfer such petition to any judicial officer subordinate to him and not below the rank of Subordinate Judge, and the District Judge or such judicial officer (hereinafter referred to as the Judge) may hold such inquiry as he deems necessary.

(2) The procedure to be followed by the Judge including all matters relating to the filing of such petition shall be such as may be prescribed.

(3) The Judge shall have all the powers of a Civil Court for the purposes of receiving evidence, administering oath, enforcing the attendance of witnesses and compelling the discovery and production of documents.

[West Ben. Act

(Part IV.—Chapter XIV.—Miscellaneous.—Sections
103—106.)

(4) The decision of the Judge shall be final and shall not be called in question in any court.

Powers of
State
Govern-
ment
officers to
attend
meetings.

103. Any officer of the State Government authorised by the State Government in this behalf, shall be entitled to attend meetings of the *Zilla Parishad* or the *Anchalik Parishad*, as the case may be, and of any Standing Committee thereof, for the purpose of furnishing facts, information, and technical advice but shall not be entitled to vote at any such meeting.

Inspection
by the
Commis-
sioner.

104. (1) The Commissioner or any other officer not below the rank of a Deputy Collector, authorised by the State Government in this behalf, may at any time—

- (a) call for and inspect any document which may be in the possession of a *Zilla Parishad* or an *Anchalik Parishad*;
- (b) require a *Zilla Parishad* or an *Anchalik Parishad* to furnish such information as he may think necessary;
- (c) inspect the office of a *Zilla Parishad* or an *Anchalik Parishad* or any institution maintained by or under the control of a *Zilla Parishad* or an *Anchalik Parishad*, and also inspect any records, registers or any other document maintained by such institution.

(2) When an inspection is undertaken under clause (c) of sub-section (1) a report of such inspection shall be submitted to the State Government.

Delegation.

105. The State Government may, by notification, delegate subject to such conditions as it may specify all or any of its powers under this Act except the powers mentioned in section 9, 12, 57, 60, 107, 108, 112, 116 and 117 to any person or authority subordinate to it.

Transfer
of insti-
tution
and works.

106. (1) The State Government may transfer any institution or work under its management or control to a *Zilla Parishad* or an *Anchalik Parishad*, and a *Zilla Parishad* may transfer any institution or work under its management or control to any *Anchalik Parishad*, *Anchal Panchayat* or *Gram Panchayat*, subject to such conditions, limitations and restrictions as may be agreed upon.

(2) When any institution is transferred under sub-section (1)—

- (a) by the State Government to a *Zilla Parishad* or to an *Anchalik Parishad*, or
- (b) by a *Zilla Parishad* to any *Anchalik Parishad*, *Anchal Panchayat* or *Gram Panchayat*,

persons employed by the State Government, or the *Zilla Parishad* in such institution, shall with effect from the date of such

XXXV of 1963.]

(Part IV.—Chapter XIV.—Miscellaneous.—Sections
107—109.)

transfer be deemed to be employed by the *Zilla Parishad* or *Anchalik Parishad* or *Anchal Panchayat* or *Gram Panchayat*, to which such institution is transferred, on terms and conditions, not less advantageous than what they were entitled to immediately before such transfer.

107. (1) The State Government may by order in writing rescind any resolution passed by a *Zilla Parishad* or an *Anchalik Parishad* or any Standing Committee thereof, if in its opinion such resolution—

- (a) has not been legally passed, or
- (b) is in excess or abuse of the powers conferred by or under this Act or any rules made thereunder, or
- (c) is likely to cause, if executed, danger to human life, health, or safety or is likely to lead to a breach of the peace.

(2) The State Government shall, before taking any action under sub-section (1), give the *Zilla Parishad* or the *Anchalik Parishad*, as the case may be, an opportunity of making any representation against the proposed order.

Power of
State
Govern-
ment to
rescind
resolutions
of a *Zilla*
Parishad
or an
Anchalik
Parishad
or any
Standing
Committee.

108. (1) If, in the opinion of the State Government, a *Zilla Parishad* or an *Anchalik Parishad*—

- (a) has shown its incompetence to perform or has persistently made default in the performance of the duties or exercise of the functions imposed on it by or under this Act or by any other law, or
- (b) has exceeded or abused its powers,

the State Government may by an order to be published in the *Official Gazette* stating the reasons therefor, supersede the *Zilla Parishad* or the *Anchalik Parishad*, as the case may be, for such period, not exceeding the maximum period of two years, as may be specified in the order :

Provided that the State Government shall before taking any action under sub-section (1) give the *Zilla Parishad* or the *Anchalik Parishad*, as the case may be, an opportunity of making any representation against the proposed order.

(2) The State Government may, by order to be published in the *Official Gazette*, subject to the maximum period of two years mentioned in sub-section (1), extend or modify the period of supersession if it considers it necessary so to do.

Power of
State
Govern-
ment to
supersede
Zilla
Parishad
or
Anchalik
Parishad.

109. (1) When an order of supersession has been passed under section 108 then with effect from the date of the order—

- (a) all the members and associate members of the *Zilla Parishad* or the *Anchalik Parishad*, as the case may be, and all the members of the Standing Committee thereof shall vacate their offices ;

Conse-
quences
of super-
session,

[West Ben. Act

(Part IV.—Chapter XIV.—Miscellaneous.—Sections 110,
111.)

- (b) all the powers, duties and functions which, under the provisions of this Act or any rule, bye-law or regulation made thereunder or any law for the time being in force, may be exercised, discharged or performed by the *Zilla Parishad* or the *Anchalik Parishad* or any Standing Committee thereof, shall be exercised, discharged or performed by such person, to be called the Administrator, as may be appointed by the State Government in this behalf :

Provided that such Administrator may delegate any of his powers, duties or functions to any officer or other employee of the *Zilla Parishad* or the *Anchalik Parishad*, as the case may be.

(2) The State Government shall fix the remuneration of the Administrator and may direct that such remuneration shall be paid from the *Zilla Parishad* Fund or the *Anchalik Parishad* Fund, as the case may be.

(3) All property vested in such *Zilla Parishad* or *Anchalik Parishad*, as the case may be, shall vest in the State Government during the period of supersession.

(4) The State Government may by order to be published in the *Official Gazette* re-establish the *Zilla Parishad* or the *Anchalik Parishad*, as the case may be.

(5) On the expiry of the period of supersession the Administrator shall cease to exercise his functions.

(6) Nothing contained in the foregoing provisions of this sections shall affect the provisions of section 38 and the District School Board shall continue to function as the Primary Education Committee of the *Zilla Parishad*.

Period of
limitation
for suits
by *Zilla
Parishad*
or
*Anchalik
Parishad*.

110. Notwithstanding anything contained in the Indian Limitation Act, 1908, the period of limitation for the institution of any suit by or on behalf of a *Zilla Parishad* or an *Anchalik Parishad* for the possession of any immovable property vested in such *Parishad* from which it has been dispossessed or of which it has ceased to have possession shall be sixty years from the date of dispossession or discontinuance.

IX of
1908.

Repeal
and
vesting.

111. With effect from the date specified in the notification issued under sub-section (1) of section 3, in the district referred to in the said notification—

Ben. Act
III of 1

- (a) the Bengal Local Self-Government Act of 1885 shall stand repealed ;
- (b) all properties, movable or immovable, and all assets of the District Board, shall vest in the *Zilla Parishad* of the district ;

(Part IV.—Chapter XIV.—Miscellaneous.—Section 112.)

XXXV of 1963.]

- (c) all rights acquired, all debts and obligations incurred, all matters and things engaged to be done, before the establishment of the *Zilla Parishad*, by the District Board shall be deemed to have been acquired, incurred or engaged to be done by the *Zilla Parishad* of the district ;
- (d) all suits or other legal proceedings instituted or which might but for the establishment of the *Zilla Parishad* have been instituted by or against the District Board may be continued or instituted by or against the *Zilla Parishad* of the district and in all such suits or other legal proceedings pending immediately before such establishment, the *Zilla Parishad* shall stand substituted in place of the District Board ;
- (e) any scheme prepared by or anything done or any action taken by or in favour of the District Board shall be deemed to have been prepared by or done or taken by or in favour of the *Zilla Parishad* of the district ;
- (f) persons employed by the District Board and continuing in office immediately before the establishment of the *Zilla Parishad* shall be deemed to be employed by the *Zilla Parishad* of the district on such terms and conditions, not being less advantageous than what they were entitled to immediately before such establishment, as may be determined by the *Zilla Parishad* ;
- (g) all rules, orders, bye-laws and notifications made or issued from time to time under the provisions of the Bengal Local Self-Government Act of 1885, applicable to the District Board and continuing in force immediately before the establishment of the *Zilla Parishad* shall, after such establishment, continue in force in so far as they are not inconsistent with the provisions of this Act until they are repealed or amended.

112. (1) The State Government may, after previous publication, make rules for carrying out the purposes of this Act. Rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) any matter for which power to make provision is conferred expressly or by implication on the State Government by this Act ;
- (b) the establishment of the *Zilla Parishad* and the *Anchalik Parishad* ;
- (c) the manner of giving notice of resignation by the Chairman, Vice-Chairman or a member of the *Zilla Parishad* and the President, Vice-President or a member of the *Anchalik Parishad* ;

[West Ben. Act

(Part IV.—Chapter XIV.—Miscellaneous.—Section 113.)

- (d) qualifications, recruitment, scales of pay, conditions of service of all or any of the categories of officers or other employees of the *Zilla Parishad* or *Anchalik Parishad* ;
- (e) the framing of budget of the *Zilla Parishad* and of the *Anchalik Parishad* ;
- (f) the keeping of accounts of the *Zilla Parishad* and of the *Anchalik Parishad* ;
- (g) the raising of loans ;
- (h) the calling and holding of meetings of the *Zilla Parishad* or the *Anchalik Parishad* and the conduct of business at such meetings ; and
- (i) the payment of allowances, if any, to the Chairman, Vice-Chairman and members of the *Zilla Parishad* and to the President, Vice-President and members of the *Anchalik Parishad*.

(3) All rules made under this Act shall be published in the *Office Gazette* and shall, unless some later date is appointed by the State Government, come into force on the date of such publication.

(4) All rules made under this Act shall be laid for not less than fourteen days before the State Legislature as soon as possible after they are made and shall be subject to such modification as the State Legislature may make during the session in which they are so laid. Any modification of the said rules made by the State Legislature shall be published in the *Official Gazette*, and shall, unless some later date is appointed by the State Government, come into force on the date of such publication.

Regula-
tions and
bye-laws.

113. (1) A *Zilla Parishad* or an *Anchalik Parishad* may, with the previous approval of the State Government, make regulations which may provide for—

- (a) the calling and holding of meetings of the *Zilla Parishad* or the *Anchalik Parishad*, the procedure to be followed in the meetings and the conduct of business at meetings ;
- (b) qualifications of officers and employees and the methods of recruitment, conditions of service and discipline of such officers and employees including provisions for Provident Fund, gratuity and advances to the employees.

(2) A *Zilla Parishad* or an *Anchalik Parishad* may, with the previous approval of the State Government, make bye-laws for carrying out the purposes of this Act other than those mentioned in clauses (a) and (b) of sub-section (1).

(3) The State Government may, by notification, rescind any regulation or bye-law and thereupon such regulation or bye-law shall cease to have effect,

XXIV of 1963.]

(Part IV.—Chapter XIV.—Miscellaneous.—Sections
113.—118 and First Schedule.)

(4) In making a bye-law under sub-section (2) a *Zilla Parishad* or an *Anchalik Parishad* may provide that a breach of the same shall be punished with fine which may extend to rupees one hundred, and in the case of a continuing breach with a further fine which may extend to rupees ten for every day during which the breach is continued after the offender has been convicted of such breach.

114. Prosecutions under this Act for breach of bye-laws may be instituted by a *Zilla Parishad* or an *Anchalik Parishad* or by any person authorised by such *Parishad* in this behalf.

Prosecution.

115. All arrears of tolls, and rates leviable by a *Zilla Parishad* or an *Anchalik Parishad* under this Act shall, without prejudice to any other mode of recovery, be recoverable as arrears of land revenue.

Recovery of arrears.

116. In the discharge of their functions the *Zilla Parishad* and the *Anchalik Parishad* shall be guided by such instructions or directions as may be given to them by the State Government from time to time.

Directions by State Government.

117. If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the purpose of removing such difficulty.

Provision for removing difficulty.

118. On the establishment of a *Zilla Parishad* in any district the enactments specified in column 3 of the Second Schedule shall stand amended within the territorial limits of the said district to the extent and in the manner specified in column 4 thereof.

Amendment of the Cess Act, 1890 and the Bengal (Rural) Primary Education Act 1930.

FIRST SCHEDULE.

(See section 14.)

Form of oath or affirmation to be made by a member of a *Zilla Parishad*.

I, A. B., being an *ex-officio* member or having been elected a member of the.....*Zilla Parishad* do appointed swear in the name of God that I will bear true faith and solemnly affirm allegiance to the Constitution of India as by law established, and that I will faithfully discharge the duties upon which I am about to enter.

[West Ben. Act XXXV of 1963.]

(*Second Schedule.*)

SECOND SCHEDULE.

Enactments amended.

(*See section 118.*)

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1880	IX ; .	The Cess Act, 1880	<p>1. In section 4,—</p> <p>(a) the definitions of “District Board” and “District Fund” shall be omitted,</p> <p>(b) after the definition of “Year”, the following definitions shall be added, namely :—</p> <p>“Zilla Parishad” means a Zilla Parishad established under section 3 of the West Bengal Zilla Parishads Act, 1963.</p> <p>“Zilla Parishad Fund” means the fund constituted under section 40 of the West Bengal Zilla Parishads Act, 1963.’.</p> <p>2. For the words “District Board”, wherever they occur, the words “Zilla Parishad” shall be substituted.</p> <p>3. For the second paragraph of clause <i>secondly</i> of section 109, the following paragraph shall be substituted, namely :</p> <p>“And the balance, after payment of such expenses, shall be credited to the Zilla Parishad Fund of the district.”.</p>
1930	VII . .	The Bengal (Rural) Primary Education Act, 1930.	<p>1. For the words “District Board”, wherever they occur, the words “Zilla Parishad” shall be substituted.</p> <p>2. Section 20 shall be omitted.</p>

West Bengal Act XXXVIII of 1963¹
THE POLICE (WEST BENGAL AMENDMENT) ACT,
1963.

[3rd February, 1964.]

*An Act to amend the Police Act, 1861, in its application to
 West Bengal.*

of 1861. WHEREAS it is expedient to amend the Police Act, 1861, in its application to West Bengal, for the purposes and in the manner hereinafter appearing ;

It is hereby enacted in the Fourteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the Police (West Bengal Amendment) Act, 1963. Short title.

2. The Police Act, 1861 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be amended in the manner hereinafter provided. Applica-
tion of
the Act.

3. After section 2 of the said Act, the following section shall be, and shall be deemed always to have been, inserted, namely :— Insertion
of new
section
2A in
Act 5 of
1861.

“Power of State Government to make rules. 2A. (1) Subject to the provisions of this Act, the State Government may make rules relating to recruitment, conditions of service, disciplinary proceedings and punishments in respect of members of the subordinate ranks of the police force.

(2) Any rules, orders or regulations made before the commencement of the Police (West Bengal Amendment) Act, 1963, by any authority in respect of the aforesaid matters shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been validly made and shall continue in force until other provisions are made in this behalf.”

4. For section 7 of the said Act, the following sections shall be, and shall be deemed always to have been, substituted, namely :— Substi-
tution
of new
sections
for section
7.

“Punishment of subordinate ranks of the police force in disciplinary cases. 7. The appointing authority, or an officer not lower in rank than the appointing authority, shall be competent to inflict all punishments on the members of the subordinate ranks of the police force in disciplinary cases.

¹For Statement of Objects and Reasons of the Bill, see the *Calcutta Gazette, Extraordinary*, of the 10th December, 1963, Part IVA, page 4090 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 28th and 30th December, 1963 and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 2nd January, 1964.

[West Ben. Act

(Section 5.)

Validity of appointment, dismissal and punishment of subordinate ranks of the police force in certain cases.

any other authority subordinate to him, all orders of dismissal or removal from office passed by any such authority, not being an authority subordinate to the authority by which the respective appointments were made, and all orders inflicting any other punishment passed by any authority, before the commencement of the Police (West Bengal Amendment) Act, 1963, in respect of the subordinate ranks of the police force shall be deemed to be, and to have always been, validly passed."

7A. Notwithstanding anything contained elsewhere in this Act or in any rule, regulation or order made thereunder, all appointments made by the Inspector-General or

Insertion
of new
section
34A.

5. After section 34 of the said Act, the following section shall be inserted, namely :—

"Power to prohibit, restrict, regulate or impose conditions on the use of microphones, etc.

34A. (1) If, in the opinion of the Magistrate of the district or any Sub-divisional Magistrate or Magistrate of the first class, it is necessary so to do for the purpose of preventing annoyance to, or injury to the health of, the public or any section thereof, or for the purpose of maintaining public peace and tranquillity, he may, by order, prohibit, restrict, regulate or impose conditions on, the use or operation, in any area within his jurisdiction or in any vehicle within such area, of microphones, loudspeakers or other apparatus for amplifying human voice or for amplifying music or other sounds.

(2) The State Government may, on its own motion or on the representation of any person or persons aggrieved, modify, alter or cancel any order made under sub-section (1).

(3) A police-officer, not below the rank of Sub-Inspector, may take such steps or use such force as may be reasonably necessary for securing compliance with any order made under sub-section (1) or any such order as modified or altered by the State Government under sub-section (2) and may seize any microphone, loudspeaker or other apparatus used or operated in contravention of the order.

(4) A police-officer, who seizes any microphone, loud-speaker or other apparatus under sub-section (3), may also at the same time seize any vehicle in which such microphone, loudspeaker or other apparatus is being carried or conveyed or is being kept at that time :

Provided that any police-officer of the police-station within the limits of which the vehicle is seized, not below the rank of Sub-Inspector, may release

XXXVIII of 1963.]

(Section 6.)

such vehicle on a bond for such sum not exceeding five hundred rupees as he deems reasonable being executed by the owner of the vehicle in favour of the State Government to produce the vehicle at the time of the investigation or the trial, and to surrender the vehicle, if directed to be forfeited under sub-section (5).

(5) Any person who contravenes any order made by the Magistrate of the district or any Sub-divisional Magistrate or Magistrate of the first class under sub-section (1) or any such order as modified or altered by the State Government under sub-section (2) shall, on conviction before a Magistrate, be liable to a fine which may extend to one hundred rupees and the court trying an offence under this section may also direct the forfeiture of any microphone, loudspeaker or other apparatus seized under sub-section (3) or any vehicle seized under sub-section (4) or released under the proviso to that sub-section.

(6) The provisions of this section shall be in addition to and not in derogation of the powers conferred by any other section of this Act."

6. (1) The Police (West Bengal Amendment) Ordinance, 1963, is hereby repealed.

West Ben.
Ord. 1V
of 1963.

(2) Anything done or any action taken under the said Act as amended by the Police (West Bengal Amendment) Ordinance, 1963, shall be deemed to have been validly done or taken under the said Act as amended by this Act as if this Act had commenced on the 18th day of October, 1963.

West Bengal Act XLI of 1963
THE WEST BENGAL WAREHOUSES ACT, 1963.

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THE SCHEDULE.

West Bengal Act XLI of 1963¹

THE WEST BENGAL WAREHOUSES ACT, 1963.

[15th May, 1964.]

An Act to provide for the licensing of warehouses, the proper supervision and control of licensed warehouses and certain other connected matters.

It is hereby enacted in the Fourteenth Year of the Republic of India, by the Legislature of West Bengal, as follows ;—

CHAPTER I.

Preliminary.

1. (1) This Act may be called the West Bengal Warehouses Act, 1963.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

(4) It shall not apply to warehouses established under any other State law for the time being in force in this respect or under the Sea Customs Act, 1878, the Inland Bonded Warehouses Act, 1896 and the Central Excises and Salt Act, 1944.

Short title,
extent,
commence-
ment and
application.

2. In this Act, unless the context otherwise requires,—

(1) “co-operative society” means a society registered or deemed to be registered under the Bengal Co-operative Societies Act, 1940 ;

(2) “depositor” means a person who has deposited any goods with a warehouseman in a licensed warehouse, and includes any lawful holder of a warehouse receipt issued by a warehouseman under section 22 ;

(3) “goods” mean any of the articles or commodities specified in the Schedule ;

(4) “licensed warehouse” mean a warehouse licensed under this Act ;

(5) “prescribed” means prescribed by rules made under this Act ;

Definitions.

1 Act
11 of
1963.

¹For Statement of Objects and Reasons of the Bill, see the *Calcutta Gazette, Extraordinary*, of the 18th June, 1963, Part IVA, page 1588, for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 27th, 28th and 30th August and 2nd September, 1963. ; and for proceedings of the meetings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 5th September, 1963.

[West Ben. Act

(Chapter II.—Licensing of Warehouses.—Sections 3—5.)

- (6) "Prescribed Authority" means an authority appointed by the State Government, by notification in the *Official Gazette*, for all or any of the purposes of this Act ;
- (7) "warehouse" means any building, structure or enclosure which is or is intended to be used for the purpose of storing articles or commodities on behalf of persons depositing them but does not include cloak rooms attached to hotels and railway stations or any premises where a public carrier keeps articles or commodities for carriage or delivery ;
- (8) "Warehouse Authority" means an authority referred to in section 4 ;
- (9) "warehouseman", used in relation to a warehouse, means a person who holds a license under this Act in respect of the warehouse ;
- (10) "warehouse receipt" means a receipt issued by a warehouseman under section 22.

CHAPTER II.

Licensing of Warehouses.

Power to
have
warehouses
licensed.

3. Any person may, subject to the provisions of this Act, have his warehouse licensed in respect of any class or classes of goods.

Explanation.—Where a person has more than one warehouse, he shall obtain a separate license for each warehouse which he desires to be licensed under this Act.

Appoint-
ment of
Warehouse
Authorities.

4. The State Government may, by notification in the *Official Gazette*, from time to time appoint Warehouse Authorities with jurisdiction over such areas as may be specified in such notification.

Grant of
license.

5. (1) Applications for license shall be made in the prescribed manner to the Warehouse Authority having jurisdiction over the area within which the warehouse is situated.

(2) Before granting a license, the Warehouse Authority shall satisfy itself—

- (a) that the warehouse is suitable for the storage of the class or classes of goods in respect of which the license has been applied for ;
- (b) that the applicant has paid the fee prescribed for the license ;
- (c) that there is no good and sufficient reason for refusing the license.

(Chapter II,—Licensing of Warehouses.—Sections 6, 7.)

XLI of 1963.]

(3) Every license granted under this Act shall be in such form and shall be subject to such terms and conditions as may be prescribed.

(4) If the Warehouse Authority refuses to grant or renew a license, it shall record the grounds for refusal in its order and shall in particular, in cases coming under clause (c) of sub-section (2), state specifically the reason for refusal.

6. Every license granted under section 5 shall be valid for the prescribed period, and may, on application and on payment of the fee prescribed for renewal, be renewed from time to time by the Warehouse Authority provided that the requirements referred to in clauses (a) and (c) of sub-section (2) of section 5 continue to be satisfied.

Terms of
license
and
renewal
thereof.

7. (1) The Warehouse Authority may cancel any license granted under section 5 or renewed under section 6,—

Cancellation of
license.

- (a) if the licensee has applied to be adjudicated or has been adjudicated, an insolvent ; or
- (b) if the licensee has substantially parted with his ownership of, or control over, the warehouse or has ceased to conduct the same ; or
- (c) if the charges in respect of any goods stored with the licensee or of any services in connection with such goods are, in the opinion of the Warehouse Authority, excessive or unreasonable ; or
- (d) if the licensee has contravened or failed to comply with any of the provisions of this Act or the rules made thereunder or of any terms and conditions prescribed for the license.

(2) Before passing an order under sub-section (1), the Warehouse Authority shall intimate to the licensee the grounds on which it is proposed to cancel the license and give him a reasonable opportunity of showing cause.

(3) In cases of coming under clauses (c) and (d) of sub-section (1), the Warehouse Authority, instead of proceeding under sub-section (1) or sub-section (2), may issue a warning to the licensee.

(4) Where a license is cancelled by the Warehouse Authority it shall make an entry to that effect in the records of its office. It shall further publish a notice of such cancellation in the prescribed manner and the warehouseman shall be bound prominently to display a copy of such notice in front of the warehouse.

[West Ben. Act

*Chapter II.—Licensing of Warehouses.—Section 8.—
Chapter III.—Duties of Warehouseman.—Sections
9—12.)*

Safe-
guarding
the interest
of deposi-
tors in case
of expiry of
or refusal
to renew a
license or
cancel-
lation of a
license.

8. Where a license expires or the renewal of a license is refused or where a license is cancelled, the licensee shall nevertheless continue to be liable for the goods already deposited with him and shall be bound by the terms and conditions of any warehouse receipts already issued in respect of any goods :

Provided that the Warehouse Authority may, on the application of the depositor, require the warehouseman to transfer any goods deposited with him to another licensed warehouse chosen by the depositor on payment of the outstanding charges due to the warehouseman.

CHAPTER III.

Duties of Warehouseman.

Reasonable
care of the
goods
deposited.

9. Every warehouseman shall take such care of the goods deposited in his warehouse as a man of ordinary prudence would take care of his own goods under similar circumstances and shall provide the depositors concerned with all reasonable facilities for inspection of the goods deposited, in such manner as may be prescribed by the Warehouse Authority.

Due
mainte-
nance of
warehouses.

10. (1) Every warehouseman shall maintain his warehouse in accordance with the terms and conditions of the license.

(2) No warehouseman shall accept for deposit any goods which are likely to cause damage to other goods that have been or may be deposited in the warehouse.

Preserva-
tion of
identity
of goods.

11. Every warehouseman shall keep the goods of one depositor separate from the goods of other depositors and from other goods of the same depositor for which a separate warehouse receipt has been issued, in such manner as to permit at all times of the identification and delivery of the goods deposited in his warehouse.

Goods
deteriorat-
ing in
warehouse
and their
disposal.

12. (1) Whenever goods deposited in a licensed warehouse deteriorate or show signs that they are about to deteriorate from causes beyond the control of the warehouseman, the warehouseman shall forthwith give notice of the fact to the depositor, requiring him to take delivery of the goods immediately, after surrendering the warehouse receipt duly discharged and paying all charges due to the warehouseman and shall simultaneously send a copy of such notice to the local representative of the Warehouse Authority.

(Chapter III.—Duties of Warehouseman.—Sections 13—15.)

XLI of 1963.]

(2) If the depositor does not, within a reasonable time, comply with the notice given to him under sub-section (1), the warehouseman may cause the goods to be removed from the warehouse and sold in the prescribed manner by public auction at the cost and risk of the depositor.

(3) The proceeds of a sale held under sub-section (2) shall be made over by the warehouseman to the depositor after deducting therefrom all amounts due to the warehouseman on account of charges for the storing of the goods and the costs of the sale.

13. (1) For the purpose of sub-section (1) of section 12, loss of weight or bulk by dryage or shrinkage or gain in weight or bulk by absorption of moisture shall not be deemed to amount to deterioration or to show signs of deterioration, if the loss or gain does not exceed such limits as may be prescribed.

Liability
of ware-
houseman
for shortage
or excess in
goods
stored.

(2) If there is any excess in the weight or bulk of goods stored in a licensed warehouse by absorption of moisture or other causes, the warehouseman shall not be entitled to such excess.

(3) If there is any shortage in the goods stored in a licensed warehouse by dryage or shrinkage or other causes beyond the control of the warehouseman, the warehouseman shall not be responsible therefor.

(4) In the event of a dispute arising as to whether such shortage or excess is due to dryage or shrinkage or absorption of moisture or is due to other causes beyond the control of the warehouseman, the matter shall be referred to the Appellate Authority.

14. (1) Every warehouseman shall, in the absence of reasonable excuse, without unnecessary delay, deliver the goods deposited in his warehouse to the depositor on demand made by him and on surrender of the warehouse receipt duly discharged and payment of all charges due to the warehouseman.

Delivery
of goods.

(2) Subject to any agreement between the warehouseman and the depositor, the depositor may take delivery of part of the goods deposited in a warehouse.

15. Goods in a licensed warehouse shall be insured in the prescribed manner by the warehouseman against loss or damage by fire, theft, riot or civil commotion and also in respect of any particular class of goods or in respect of a warehouse situated in any particular class of localities, any other event as may be prescribed for such class of goods or such class of localities :

Insurance
of goods in
warehouses.

Provided that a depositor may at his own cost insure his goods against other risks.

[West Ben. Act

*(Chapter III.—Duties of Warehouseman.—Sections 16, 17.—
Chapter IV.—Inspection and Grading of Goods.—Sections
18—20.)*

Discrimi-
nation
prohibited.

16. Save as provided in sub-section (2) of section 10, no warehouseman, in the conduct of his business, shall refuse to accept for deposit in his warehouse, goods tendered by any person when there is accommodation in his warehouse for storing such goods.

Accounts,
etc., to
be main-
tained.

17. A warehouseman shall maintain such accounts, books and records and in such form and manner as may be prescribed.

CHAPTER IV.

Inspection and Grading of Goods.

Inspection.

18. A Warehouse Authority may, at any time during business hours, inspect or examine or cause to be inspected or examined, by any officer authorised by it, any licensed warehouse, its machinery and equipment, goods deposited therein, or the accounts, books or records referred to in section 17, for the purpose of satisfying itself that the provisions of this Act and the rules made thereunder are being complied with.

Licensing
persons
entitled to
act as
weighers,
measurers,
samplers
and
graders.

19. (1) The Prescribed Authority may, on application made in the prescribed manner and on payment of the prescribed fee, issue licenses to persons possessing the prescribed qualifications, entitling them to act on the requisition of a depositor or a warehouseman as weighers, measurers, samplers and graders of any goods deposited or to be deposited in a licensed warehouse, and to issue certificates as to the weight, bulk, quality or grade of the goods which they have examined.

(2) When any certificate is so issued on the requisition of a depositor or a warehouseman, it shall be binding on the depositor and the warehouseman as to the weight, bulk, quality or grade of the goods so certified :

Provided that if any dispute arises between the depositor and the person issuing the certificate or the warehouseman and such person or between two or more such persons as to the weight, bulk, quality or grade of goods, the matter shall be referred for decision to such authority as may be prescribed for this purpose.

Certain
provisions
regarding
licenses
referred
to in
section 19.

20. (1) Every license granted to a person entitling him to act as a weigher, measurer, sampler and grader under section 19 shall be valid for the prescribed period and may, on application and on payment of the prescribed fee, be renewed from time to time for the prescribed period by the Prescribed Authority.

XLI of 1963.]

(Chapter IV.—*Inspection and Grading of goods.*—Section 21.—Chapter V.—*Warehouse Receipts.*—Sections 22—24.—Chapter VI.—*Miscellaneous.*—Section 25.)

(2) The Prescribed Authority may, if there are sufficient grounds, cancel any such license, after communicating to the licensee the grounds on which it is proposed to take action and giving him a reasonable opportunity of showing cause.

(3) The Prescribed Authority may, pending proceedings for cancellation of any such license, suspend the license.

21. Every warehouseman shall provide facilities for weighing, measuring, sampling and grading any goods deposited in his warehouse.

Facilities to be given for weighing goods, etc.

CHAPTER V.

Warehouse Receipts.

22. For the goods deposited in a licensed warehouse by each depositor, the warehouseman shall issue a receipt in the prescribed form containing particulars relating to the goods.

Warehouse receipts.

23. A warehouse receipt shall, unless it is otherwise specified thereon, be transferable by endorsement and delivery and shall entitle any lawful holder thereof to receive the goods specified in it as if he were the original depositor.

Warehouse receipts to be transferable by endorsement and delivery.

24. If a warehouse receipt is lost, destroyed, torn or defaced, the warehouseman shall, on application by the depositor and on payment by him of the prescribed fee, issue a duplicate warehouse receipt in accordance with such rules as may be prescribed.

Duplicate warehouse receipt.

CHAPTER VI.

Miscellaneous.

25. (1) The State Government shall appoint an authority (elsewhere in this Act referred to as the Appellate Authority) for hearing and deciding—

Appeals.

- (i) appeals against any order refusing to grant or refusing to renew a license to a warehouseman ;
- (ii) appeals against any order cancelling the license of a warehouseman ;
- (iii) any reference under sub-section (4) of section 13 ;
- (iv) appeals against any decision of an authority referred to in the proviso to sub-section (2) of section 19.

[West Ben. Act

(Chapter VI.—Miscellaneous.—Sections 26—32.)

(2) The decision of the Appellate Authority shall be final.

(3) The procedure to be followed in such appeals or reference, the fee and the period of limitation therefor, shall be such as may be prescribed.

Power to
alter
Schedule.

26. The State Government, if it thinks fit to do so in the public interest, may, by notification in the *Official Gazette*, make any alterations in the Schedule by making any modifications therein, or additions thereto or omissions therefrom.

Return of
license.

27. When a license under Chapter II or Chapter IV expires or when the renewal of such license is refused or when such license is cancelled, the licensee shall forthwith return the license to the Warehouse Authority or the Prescribed Authority, as the case may be.

Duplicates
of license.

28. Where a license under Chapter II or Chapter IV is lost, destroyed, torn or defaced, the Warehouse Authority or the Prescribed Authority, as the case may be, shall, on application made in this behalf and on payment of the prescribed fee, issue a duplicate license in the prescribed manner.

No
compensa-
tion for
cancellation
of
license.

29. Where any license under Chapter II or Chapter IV is cancelled, the licensee shall not be entitled to any compensation therefor, nor shall he be entitled to the refund of any fee paid by him for the license.

Special
provision
for co-
operative
societies.

30. Notwithstanding anything contained elsewhere in this Act, a co-operative society shall be allowed such priorities for storing their goods as may be prescribed.

Power to
exempt.

31. The State Government may, by notification in the *Official Gazette*, for reasons to be recorded, exempt any class of warehousemen from all or any of the provisions of this Act.

Penalty.

32. (1) Any person who—

(a) acts or holds himself out as a warehouseman without having a valid license under this Act, or

(b) acts or holds himself out as a person entitled to act as a weigher, measurer, sampler and grader under sub-section (1) of section 19 without having a valid license under this Act, or

(c) knowingly contravenes any provisions of this Act or any rules made thereunder,

shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

XLI of 1963.]

(Chapter VI.—Miscellaneous.—Sections 33, 34 and the Schedule.)

(2) Where a person committing an offence under sub-section (1) is a company or an association or a body of persons, whether incorporated or not, any person, by whatever name called, managing the affairs of such company, association or body, shall also be deemed to be guilty of such offence.

33. No suit or legal proceeding shall lie against the State Government and no suit, prosecution or legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act or the rules made thereunder.

Bar of
suits and
legal
proceed-
ings.

34. (1) The State Government may make rules for carrying out the purposes of this Act.

Rules.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

- (a) any matter which is required to be or may be prescribed under this Act ;
- (c) the publication, from time to time, of consolidated lists of warehousemen and licensed warehouses and supplements to such lists ;
- (b) the refund of any fees or part of the fees paid when any application for a license or renewal of a license under Chapter II or Chapter IV is refused ;
- (d) the publication, from time to time, of consolidated lists of persons entitled to act as weighers, measurers, samplers and graders and supplements to such lists ;
- (e) the disinfection of licensed warehouses and of goods stored therein and the prevention of damage to goods by rodents, pests and noxious insects.

(3) All rules made under this Act shall be subject to the condition of previous publication in the *Official Gazette*.

THE SCHEDULE.

[See section 2(3).]

Cereals.

1. Paddy and its products.
2. Rice and its products.
3. Wheat and wheat products.
4. Maize and its products.
5. Barley and its product.
6. Jewar.
7. Bajra.

(The Schedule.)

Pulses (Whole and Split).

8. Gram and its products.
9. Mung.
10. Masur.
11. Urid.
12. Matar.
13. Rahar.
14. Khesari.
15. Chera (Barbati seeds).

Spices.

16. Turmeric.
17. Cloves.
18. Myrobalan.
19. Cardamom.
20. Betelnut.
21. Chillies.
22. Black pepper.
23. White pepper.
24. Aniseed (Mouri).
25. Corriander (Dhania),
26. Cumin seed (Zeera).
27. Black cumin (Kalazeera).
28. Methi seed.
29. Onion.
30. Garlic.
31. Ginger.
32. Katha.
33. Cinamon.
34. Ajwan.

Oil Seeds and Vegetable Oils.

35. Linseed and its oil.
36. Rape, Mustard and Toria and their oil.
37. Mohua and its oil.
38. Groundnut and its oil.
39. Castor and its oil.
40. Til and its oil.
41. Copra and its oil.
42. Oilcakes.

XLI of 1963.]

(The Schedule.)

Tobacco.

- 43. Unmanufactured Tobacco.
- 44. Bidi Tobacco.

Fibres.

- 45. Raw Jute.
- 46. Mesta.
- 47. Raw Cotton (Ginned and unginned).
- 48. Kapok.
- 49. Raw Wool.
- 50. Ramie and Sisal and Aloe.
- 51. Pig Bristle.
- 52. Horse Mane and Tail.
- 53. Sunn hemp.

Fruits and Vegetables.

- 54. Coconut (dry).
- 55. Almond.
- 56. Raisins.
- 57. Walnut.
- 58. Cashew.
- 59. Apricot.
- 60. Dates (dry).
- 61. Pesta.
- 62. Potato.

Miscellaneous.

- 63. Stick Lac.
- 64. Seed Lac.
- 65. Concentrated Cattle Fodder.
- 66. Manures.
- 67. Fertilizers.
- 68. Agricultural implements.

West Bengal Act I of 1964¹

THE WEST BENGAL CRIMINAL LAW (AMENDMENT)

ACT, 1964.

[3rd March, 1964.]

An Act to provide for the speedy rehabilitation of persons affected by any disturbance, commotion, violence or arson.

WHEREAS it is expedient to provide for the speedy rehabilitation of persons affected by any disturbance, commotion, violence or arson ;

It is hereby enacted in the Fifteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the West Bengal Criminal Law (Amendment) Act, 1964.

Short title
and extent.

(2) It extends to the whole of West Bengal.

2. (1) Any Magistrate or other officer specially empowered in this behalf by the State Government by general or special order may, after such local enquiry and with such police or other help as he may consider necessary, evict summarily any person who may have occupied or taken possession in any manner whatsoever of any house, hut, structure or land which any other person has had to leave or has left on account of, or in apprehension of, any disturbance, commotion, violence or arson.

Restora-
tion of
possession.

(2) The Magistrate or other officer referred to in sub-section (1) shall, as soon as may be, restore possession of such house, hut, structure or land to the person who is proved to his satisfaction to have been in possession thereof and to have left it in the circumstances referred to in sub-section (1).

3. (1) Any person aggrieved by summary eviction of himself from, or by restoration of possession to any other person of, any house, hut, structure or land may appeal, in the Presidency Town of Calcutta to the Chief Judge, Court of Small Causes, Calcutta, and elsewhere to the District Judge having jurisdiction, within thirty days of such eviction or restoration and such Judge may, if he allows the appeal, cause such person to be put back in possession with such police or other help as he may consider necessary.

Appeal.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 10th February, 1964, Part IVA, page 342 ; for the proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 12th February, 1964 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 17th February, 1964.

576 *The West Bengal Criminal Law (Amendment) Act, 1964.*

[West Ben. Act I of 1964.]

(Sections 4—6.)

(2) The decision of the Judge referred to in sub-section (1) shall be final.

(3) It shall not be competent for a Judge to grant any interim injunction or stay order in respect of any eviction or restoration under the provisions of section 2.

Finality of order.

4. Save as provided in section 3 no action taken, no decision given and no order passed under this Act shall be called in question in any civil or criminal court or tribunal.

Indemnity.

5. No proceedings shall lie in any civil or criminal court for anything done, any action taken or any decision given in good faith by any Judge, Magistrate or Officer or other person in pursuance of the provisions of this Act.

Repeal and savings.

6. (1) The West Bengal Criminal Law (Amendment) Ordinance, 1964, is hereby repealed.

West Ben.
Ord. I of
1964.

(2) Anything done or any action taken under the West Bengal Criminal Law (Amendment) Ordinance, 1964 shall be deemed to have been validly done or taken under this Act as if this Act had commenced on the 16th day of January, 1964.

West Bengal Act III of 1964¹

THE INDIAN RED CROSS SOCIETY (BENGAL BRANCH) (VALIDATION) ACT, 1964.

[10th March, 1964.]

An Act to provide for the validation of certain actions of the Managing Body referred to in section 4 of the Indian Red Cross Society (Bengal Branch) Act, 1920.

Ben. Act
VIII of
1920.

WHEREAS it is expedient to provide for the validation of certain actions of the Managing Body referred to in section 4 of the Indian Red Cross Society (Bengal Branch) Act, 1920 ;

It is hereby enacted in the Fifteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. (1) This Act may be called the Indian Red Cross Society (Bengal Branch) (Validation) Act, 1964.

Short title
and
commence-
ment.

(2) It shall be deemed to have come into force on the 19th October, 1963.

2. In this Act unless there is anything repugnant in the subject or context,—

Definitions.

West Ben.
Act XXXI
of 1963.

(1) "the Amending Act" means the Indian Red Cross Society (Bengal Branch) (Amendment) Act, 1963 ;

Ben. Act
VIII of
1920.

(2) "the Principal Act" means the Indian Red Cross Society (Bengal Branch) Act, 1920 as it existed immediately before the commencement of the Amending Act ;

(3) "new Managing Body" means a Managing Body constituted in accordance with the provisions of the Principal Act as amended by the Amending Act ;

(4) "old Managing Body" means the Managing Body constituted and functioning under the Principal Act.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 28th December, 1963, Part IVA, page 4326 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 11th February, 1964 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 17th February, 1964.

578 *The Indian Red Cross Society (Bengal Branch) (Validation) Act, 1964.*

[West Ben. Act III of 1964.]

(Section 3.)

Validation
of
constitu-
tion and
actions of
the
Managing
Body.

3. Notwithstanding anything to the contrary contained in the Principal Act as amended by the Amending Act,—

- (i) the old Managing Body shall, after the commencement of the Amending Act and until a new Managing Body is constituted, continue to function under the Principal Act as amended by the Amending Act, and
- (ii) anything done or any action taken after the commencement of the Amending Act by, or on behalf of, or in respect of, the old Managing Body or any member thereof, shall be deemed to be and to have always been validly done or taken as if such Managing Body were a duly constituted new Managing Body.

West Bengal Act IV of 1964¹

THE WEST BENGAL APPROPRIATION ACT, 1964.

[30th March, 1964.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1965.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1965 ;

It is hereby enacted in the Fifteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the West Bengal Appropriation Act, 1964. Short title.

2. From and out of the Consolidated Fund of West Bengal, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees two hundred and eighty-seven crores, nineteen lakhs and eighty-eight thousand towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1965, in respect of the services and purposes specified in column 2 of the Schedule. Issue of
Rs. 2,87,19,
88,000
out of the
Consoli-
dated Fund
of West
Bengal
for the
year
1964-65.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1965. Appropriation.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary* of the 20th March, 1964, Part IVA, page 758 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 23rd March, 1964 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 21st March, 1964.

(Schedule.)

SCHEDULE.

(See sections 2 and 3.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	A—Collection of Taxes, Duties and Other Principal Revenues.			
1	4—Taxes on Income other than Corporation Tax.	6,68,000	1,000	6,69,000
	9—Land Revenue			
	J—Contributions and Miscellaneous Adjustments.			
2	76—Other Miscellaneous Contributions and Assignments.	8,58,65,000	25,000	8,58,90,000
	AA—Capital Account of Compensation on the abolition of Zamindari System outside the Revenue Account.			
	92—Payment of Compensation to landholders, etc., on the abolition of the Zamindari System.			
	Total—Grant No. 2 ...	8,58,65,000	25,000	8,58,90,000
	A—Collection of Taxes, Duties and Other Principal Revenues.			
3	10—State Excise Duties ...	55,49,000	1,000	55,50,000
4	11—Taxes on Vehicles ...	...	4,50,000	4,50,000
5	12—Sales Tax ...	32,16,000	1,000	32,17,000
6	13—Other Taxes and Duties ...	16,12,000	...	16,12,000
7	14—Stamps ...	15,36,000	...	15,36,000
8	15—Registration Fees ...	30,99,000	...	30,99,000

7 of 1964.]

(Schedule.)

Sl. No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	B—Debt Services.			
9	16—Interest on Debt and Other obligations	55,00,000	14,87,70,000	14,82,70,000
10	17—Appropriation for Reduction or Avoidance of Debt.	...	3,90,51,000	3,90,51,000
	C—Administrative Services.			
11	18—Parliament, State and Union Territory Legislatures.	30,93,000	74,000	31,67,000
12	19—General Administration ...	3,69,73,000	12,33,000	3,82,06,000
13	21—Administration of Justice ...	1,12,14,000	38,19,000	1,50,33,000
14	22—Jails ...	1,24,61,000	...	1,24,61,000
15	23—Police ...	11,19,27,000	...	11,19,27,000
16	26—Miscellaneous Departments—Fire Services.	50,78,000	...	50,78,000
17	26—Miscellaneous Departments—Excluding Fire Services.	1,80,21,000	1,000	1,80,22,000
	D—Social and Developmental Services.			
18	27—Scientific Departments ...	77,000	...	77,000
19	28—Education ...	23,90,72,000	...	23,90,72,000
20	29—Medical ...	11,14,54,000	...	11,14,54,000
21	30—Public Health ...	4,86,64,000	...	4,86,64,000
	31—Agriculture—Agriculture			
	DD—Capital Account of Social and Developmental Services outside the Revenue Account.	13,86,29,000	...	13,86,29,000
	95—Capital Outlay on Schemes of Agricultural Improvement and Research.			
	Total—Grant No. 22 ...	13,86,29,000	...	13,86,29,000

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	D—Social and Developmental Services.			
23	81—Agriculture—Fisheries ...	88,10,000	...	88,10,000
	33—Animal Husbandry			
24	11—Miscellaneous Capital Account outside the Revenue Account.	6,40,64,000	...	6,40,64,000
	124—Capital Outlay on Schemes of Government Trading—Greater Calcutta Milk Supply Scheme.			
	Total—Grant No. 24 ...	6,40,64,000	...	6,40,64,000
	D—Social and Developmental Services.			
	34—Co-operation			
25	DD—Capital Account of Social and Developmental Services outside the Revenue Account.	86,52,000	...	86,52,000
	95A—Capital Outlay on Consumer Co-operatives.			
	Total—Grant No. 25 ...	86,52,000	...	86,52,000
	D—Social and Developmental Services.			
	35—Industries—Industries			
26	DD—Capital Account of Social and Developmental Services outside the Revenue Account.	3,75,94,000	2,000	3,75,96,000
	96—Capital Outlay on Industrial Development.			
	Total—Grant No. 26 ...	3,75,94,000	2,000	3,75,96,000

IV of 1964.]

(Schedule.)

1	2	3		
		Sums not exceeding		
		Voted by the Legisla- tive Assembly.	Charged on the Consolidated Fund.	Total.
	Services and purposes.	Rs.	Rs.	Rs.
27	D—Social and Developmental Services.			
	35—Industries—Cottage Industries			
	DD—Capital Account of Social and Developmental Services outside the Revenue Account.	2,69,48,000	...	2,69,48,000
	96—Capital Outlay on Industrial Development—Cottage Industries.			
	Total—Grant No. 27	2,69,48,000	...	2,69,48,000
28	D—Social and Developmental Services.			
	35—Industries—Cinchona	29,90,000	...	29,90,000
29	B—Debt Services.			
	16—Interest on Debt and other obligations—Community Development Projects, National Extension Service and Local Development Works.			
	D—Social and Developmental Services.			
	37—Community Development Projects, National Extension Service and Local Development Works.			
	FF—Capital Account of Public Works (including Roads) and Schemes of Miscellaneous Public Improvements outside the Revenue Account.			
	109—Capital Outlay on Other Works—Community Development Projects, National Extension Service and Local Development Works.	5,45,84,000	61,18,000	6,07,02,000
	Public Debt.			
	Loans for Community Development Projects, National Extension Service and Local Development Works.			
	Loans and Advances by State and Union Territory Governments.			
	Loans and Advances under Community Development Projects, National Extension Service and Local Development Works.			
	Total—Grant No. 29	5,45,84,000	61,18,000	6,07,02,000

(Schedule.)

1	2	3	Sums not exceeding		
Grant No.	Services and purposes.	Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.	
		Rs.	Rs.	Rs.	
	D—Social and Developmental Services.				
30	38—Labour and Employment ...	2,64,71,000	...	2,64,71,000	
31	39—Miscellaneous Social and Developmental Organisations—Welfare of Scheduled Tribes and Castes and Other Backward Classes.	1,76,15,000	...	1,76,15,000	
32	39—Miscellaneous Social and Developmental Organisations—Excluding Welfare of Scheduled Tribes and Castes and Other Backward Classes.	1,38,18,000	...	1,38,18,000	
	E—Multipurpose River Schemes, Irrigation and Electricity Schemes.				
	42—Multipurpose River Schemes				
	43—Irrigation, Navigation, Embankment and Drainage Works (Commercial).				
	44—Irrigation, Navigation, Embankment and Drainage Works (Non-Commercial).				
33	EE—Capital Account of Multipurpose River Schemes, Irrigation and Electricity Schemes outside the Revenue Account.	9,54,96,000	...	9,54,96,000	
	98—Capital Outlay on Multipurpose River Schemes.				
	99—Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works (Commercial).				
	100—Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works (Non-Commercial).				
	Total—Grant No. 33 ...	9,54,96,000	...	9,54,96,000	

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(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	F—Public Works (including Roads) and Schemes of Miscellaneous Public Improvements.			
84	50—Public Works	12,61,57,000	15,71,000	12,77,28,000
	G—Transport and Communications (other than Roads).			
85	53—Ports and Pilotage	15,52,000	...	15,52,000
	57—Road and Water Transport Schemes			
36	GG—Capital Account of Transport and Communications (other than Roads) outside the Revenue Account.	99,45,000	1,18,000	1,00,63,000
	114—Capital Outlay on Road and Water Transport Schemes.			
	Total—Grant No. 36 ...	99,45,000	1,18,000	1,00,63,000
	I—Miscellaneous.			
87	64—Famine Relief	2,42,24,000	...	2,42,24,000

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
38	65—Pensions and Other Retirement Benefits.	2,01,04,000	2,77,000	2,03,81,000
	11—Miscellaneous Capital Account outside the Revenue Account.			
	120—Payments of Commuted Value of Pensions.			
	Total—Grant No. 38 ...			
	I—Miscellaneous.			
39	67—Privy Purses and Allowances of Indian Rulers.	1,52,000	...	1,52,000
40	68—Stationery and Printing ...	96,41,000	...	96,41,000
41	70—Forest	2,28,24,000	...	2,28,24,000
42	71—Miscellaneous—Contributions ...	1,92,18,000	7,72,000	1,99,90,000
43	71—Miscellaneous—Other Miscellaneous Expenditure.	13,68,94,000	4,08,000	13,68,02,000
	FF—Capital Account of Public Works (including Roads) and Schemes of Miscellaneous Public Improvements outside the Revenue Account.			
	109—Capital Outlay on Other Works			
	Total—Grant No. 43 ...	13,68,94,000	4,08,000	13,68,02,000

The West Bengal Appropriation Act, 1964.

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(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	B—Debt Services.			
	16—Interest on Debt and other obligations—Expenditure on displaced persons.			
	I—Miscellaneous.			
	71—Miscellaneous—Expenditure on displaced persons.			
44	FF—Capital Account of Public Works (including Roads) and Schemes of Miscellaneous Public Improvements outside the Revenue Account.	4,83,88,000	38,15,000	5,22,03,000
	109—Capital Outlay on Other Works—Expenditure on displaced persons.			
	Public Debt.			
	Loans for displaced persons			
	Loans and Advances by State and Union Territory Governments.			
	Loans and Advances to displaced persons			
	Total—Grant No. 44 ...	4,83,88,000	38,15,000	5,22,03,000
	K—Extraordinary Items.			
45	77—Extraordinary charges ...	...	...	...
46	78—Pre-partition Payments ...	60,000	...	60,000
17	78A—Expenditure connected with the National Emergency, 1962.	3,11,64,000	...	3,11,64,000
	EE—Capital Account of Multipurpose River Schemes, Irrigation and Electricity Schemes outside the Revenue Account.			
48	98—Capital Outlay on Multipurpose River Schemes—Damodar Valley Project.	19,08,50,000	...	19,08,50,000

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
	FF—Capital Account of Public Works (including Roads) and Schemes of Miscellaneous Public Improvements outside the Revenue Account.			
49	108—Capital Outlay on Public Works ...	12,63,41,000	50,000	12,63,91,000
	II—Miscellaneous Capital Account outside the Revenue Account.			
50	124—Capital Outlay on Schemes of Government Trading.	25,63,54,000	20,000	25,63,54,000
	Public Debt.			
	Permanent Debt			
	Floating Debt			
51	Loans from Central Government (excluding loans for Community Development Projects, etc., and displaced persons).	...	19,90,00,000	19,90,00,000
	Other Loans			
	Total—Grant No. 51 ...	...	19,90,00,000	19,90,00,000
	Loans and Advances by State and Union Territory Governments.			
52	Loans and Advances by State and Union Territory Governments.	25,33,13,000	...	25,33,13,000
	Grand Total ...	2,47,24,11,000	39,95,77,000	2,87,19,88,000

West Bengal Act V of 1964¹

THE WEST BENGAL APPROPRIATION (NO. 2) ACT, 1964.

[30th March, 1964.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1964.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1964 ;

It is hereby enacted in the Fifteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

Short title. 1. This Act may be called the West Bengal Appropriation (No. 2) Act, 1964.

Issue of
Rupees
34,22,82,335
out of the
Consoli-
dated Fund
of West
Bengal for
the year
1963-64.

2. From and out of the Consolidated Fund of West Bengal there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees thirty-four crores, twenty-two lakhs, eighty-two thousand and three hundred and thirty-five towards defraying the several charges which will come in course, of payment during the year ending on the thirty-first day of March, 1964, in respect of the services and purposes specified in column 2 of the Schedule.

Appro-
priation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of West Bengal by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1964.

¹For Statement of Objects and Reasons of the Bill, see the *Calcutta Gazette, Extraordinary* of the 21st March, 1964, Part IVA, page 768 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 24th March, 1964 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 26th March, 1964.

(Schedule.)

SCHEDULE.

(See sections 2 and 3.)

1 Grant No.	2 Services and purposes.	3		
		Sums not exceeding		
		Voted by the Legis- lative Assembly.	Charged on the Con- solidated Fund.	Total.
		Rs.	Rs.	Rs.
2	9—Land Revenue ... ..	...	30,000	30,0
3	10—State Excise Duties ... ..	...	50,444	50,4
7	14—Stamps	93,000	...	93,0
8	15—Registration Fees	1,89,000	...	1,89,0
9	16—Interest on Debt and other obliga- tions.	12,10,000	...	12,10,0
12	19—General Administration	21,32,000	16,500	21,48,5
13	21—Administration of Justice	10,20,600	4,71,400	14,92,0
14	22—Jails	8,12,000	...	8,12,0
15	23—Police	45,25,800	200	45,26,0
16	26—Miscellaneous Departments—Fire Services.	3,99,000	...	3,99,0
17	26—Miscellaneous Departments—Excluding Fire Services.	4,44,000	84,000	5,28,0
18	27—Scientific Departments	2,000	...	2,0
19	28—Education	3,14,92,000	...	3,14,92,0
20	29—Medical ... ..	...	56,153	56,1
21	30—Public Health	59,30,000	4,000	59,34,0
22	31—Agriculture—Agriculture	98,35,000	11,000	98,46,0
	95—Capital Outlay on Schemes of Agricultural Improvement and Research.			
	Total Grant No. 22 ...	98,35,000	11,000	98,46,0

of 1964.]

(Schedule.)

1	2	3		
ant o.	Services and purposes.	Sums not exceeding		
		Voted by the Legis- lative Assembly.	Charged on the Consolid- ated Fund.	Total.
		Rs.	Rs.	Rs.
23	31—Agriculture—Fisheries ...	12,91,000	...	12,91,000
24	33—Animal Husbandry ...	...	4,636	4,636
25	95A—Capital Outlay on Consumer Co- operatives.	21,25,000	...	21,25,000
26	35—Industries—Industries	1	3,000	3,001
	96—Capital Outlay on Industrial Develop- ment.			
	Total—Grant No. 26 ...	1	3,000	3,001
27	35—Industries—Cottage Industries.	...	100	100
28	35—Industries—Cinchona ...	46,000	...	46,000
29	37—Community Development Projects, National Extension Service and Local Development Works.	93,23,400	...	93,23,400
	109—Capital Outlay on Other Works— Community Development Projects, National Extension Service and Local Development Works.			
	Loans and Advances by State Govern- ment—Loans and Advances under Community Development Projects, National Extension Service and Local Development Works.			
	Total—Grant No. 29 ...	93,23,400	...	93,23,400
30	38—Labour and Employment ...	1,08,26,800	600	1,08,26,800
31	30—Miscellaneous Social and Developmental Organisations—Welfare of Scheduled Tribes and Castes and other Backward Classes.	11,94,000	...	11,94,000

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
82	89—Miscellaneous Social and Developmental Organisations—Excluding Welfare of Scheduled Tribes and Castes and Other Backward Classes.	5,78,000	...	5,78,
83	98—Capital Outlay on Multipurpose River Schemes.	1,12,54,000	...	1,12,54,
84	50—Public Works ...	2,22,52,000	2,42,000	2,24,94,
86	64—Famine Relief ...	2,96,77,000	...	2,96,77,
87	65—Pensions and Other Retirement Benefits.	14,93,000	36,000	14,69,
89	68—Stationery and Printing ...	44,000	...	44,
40	70—Forest ...	...	5,000	5,
41	71—Miscellaneous—Contributions	5,80,000	...	5,80,
42	{ 71—Miscellaneous—Other Miscellaneous Expenditure.	77,40,000	1,35,000	78,75,
	{ 109—Capital Outlay on Other Works.			
Total—Grant No. 42 ...		77,40,000	1,35,000	78,75,
43	{ 71—Miscellaneous—Expenditure on displaced persons.	25,24,000	52,000	25,76,
	{ 109—Capital Outlay on Other Works—Expenditure on displaced persons.			
	{ Public Debt—Loans for displaced persons.			
	{ Loans and Advances by State Government—Loans and Advances to displaced persons.			
Total—Grant No. 43 ...		25,24,000	52,000	25,76,

The West Bengal Appropriation (No. 2) Act, 1964.

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[West Ben. Act V of 1964.]

(Schedule.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
48	109—Capital Outlay on Public Works.	87,62,000	22,300	87,84,300
49	57—Road and Water Transport Schemes.	1	21,000	21,000
50	124—Capital Outlay on Schemes of Government Trading.	14,86,67,000	23,000	14,86,90,000
52	Loans and Advances by State Governments.	8,01,03,000	...	8,01,03,000
	Grant Total ...	84,10,04,002	12,78,333	84,22,82,335

West Bengal Act IX of 1964¹

THE REHABILITATION OF DISPLACED PERSONS AND EVICTION OF PERSONS IN UNAUTHORISED OCCUPATION OF LAND (CONTINUANCE OF PROVISIONS) ACT, 1964.

[24th August, 1964.]

An Act to provide for the continuance in force of the Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land Act, 1951, to the extent and for the purposes hereinafter appearing.

WHEREAS it is expedient that the Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land Act, 1951, should be continued in force to the extent and for the purposes hereinafter appearing ;

West Ben.
Act XVI
of 1951.

It is hereby enacted in the Fifteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land (Continuance of Provisions) Act, 1964.

(2) It extends to the whole of West Bengal.

(3) It shall be deemed to have come into force immediately on the expiry of the Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land Act, 1951 (hereinafter referred to as the said Act).

Savings.

2. Notwithstanding the expiry of the said Act,—

(1) any proceeding pending on the 31st day of March, 1964 in which an order of eviction was passed by a Competent Authority under sub-section (3) of section 3 of the said Act against a person in unauthorised occupation of any land,—

(i) who was not a displaced person within the meaning of the said Act, or

(ii) who, being a displaced person within the meaning of the said Act,—

(a) was provided with other land or a land-purchase loan and also a house on such other land or a house-building loan under sub-section (1) of section 4 of the said Act, or

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, of the 22nd June, 1964, Part IVA, page 1915 ; for proceedings of the West Bengal Legislature Assembly, see the proceedings of the meeting of that Assembly held on the 28th July, 1964 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 6th August, 1964.

[West Ben. Act

(Section 2.)

- (b) having not been similarly provided, was permitted to use and occupy the land on payment of consideration assessed by the Competent Authority under sub-section (1) of section 4 of the said Act, but who made default in payment of such consideration,

may be continued, subject to the remaining provisions of this section, as if the said Act had not expired and had remained in force even after the 31st day of March, 1964 ;

- (2) all such proceedings referred to in clause (1) shall stand transferred,—

(i) in the case where the proceeding relates to land situated within the local limits for the time being of the Ordinary Original Civil Jurisdiction of the High Court, to the Court of the Chief Judge, City Civil Court, and

(ii) in any other case, to the Civil Court of the lowest grade within the local limits of the jurisdiction of which the land to which the proceeding relates is situated :

Provided that the Chief Judge, City Civil Court, may transfer any proceeding to any other Judge of the City Civil Court and the District Judge of the district in which the land is situated may transfer any proceeding from one Court to any other Court subordinate to him, for disposal ;

- (3) the proceedings transferred under clause (2) shall be deemed to be proceedings in execution and orders passed therein by the Competent Authorities including orders for payment of compensation or consideration shall be executable as decrees of the Civil Court and all the provisions of the Code of Civil Procedure, 1908, relating to execution of decrees shall apply to them ;

Act 5 of
1908.

- (4) any sum of money deposited in favour of a Competent Authority under the provisions of the said Act as compensation, consideration, premium or rent and not withdrawn on or before the 31st day of March, 1964 shall stand transferred to and be disbursed by,—

(i) where the deposit was made in favour of the Competent Authority for Calcutta, the Chief Judge, City Civil Court, and

*The Rehabilitation of Displaced Persons and Eviction of
Persons in Unauthorised Occupation of Land (Continuance
of Provisions) Act, 1964.*

IX of 1964.]

(Sections 3—7.)

- (ii) elsewhere, the District Judge of the district having jurisdiction over the area in which the land in relation to which the deposit was made is situated.

Explanation.—In this section any reference to an order passed by a Competent Authority includes the order passed in appeal in relation to the same under section 6 of the said Act.

Saving of
limitation.

3. In computing the period of limitation for the institution of a suit for eviction of a person in unauthorised occupation of any land, the period during which an application for such eviction made under section 3 of the said Act before a Competent Authority was pending shall be excluded.

Removal of
difficulties.

4. If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders not inconsistent with this Act as may be necessary for the removal of the difficulty.

Indemnity.

5. No suit or other legal proceedings shall lie against the State Government or any servant or officer of the State Government for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

Power to
make rules.

6. The State Government may make rules for carrying out the purposes of this Act.

Repeal and
savings.

7. (1) The Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land (Continuance of Provisions) Ordinance, 1964, is hereby repealed.

West Ben.
Ord. III of
1964.

(2) Anything done or any action taken under the Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land (Continuance of Provisions) Ordinance, 1964, shall be deemed to have been validly done or taken under the corresponding provision of this Act.

West Bengal Act XI of 1964¹

THE PURI LODGING-HOUSE AND THE PURI LODGING-HOUSE (EXTENSION) (REPEALING) ACT, 1964.

[9th September, 1964.]

An Act to repeal the Puri Lodging-house Act, 1871 and the Puri Lodging-house (Extension) Act, 1879, and to make certain other consequential provisions.

WHEREAS it is expedient to repeal the Puri Lodging-house Act, 1871 and the Puri Lodging-house (Extension) Act, 1879, and to make certain other consequential provisions.

Ben. Act
IV of 1871.
Ben. Act II
of 1879.

It is hereby enacted in the Fifteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

Short title. 1. This Act may be called the Puri Lodging-house and the Puri Lodging-house (Extension) (Repealing) Act, 1964.

Definition. 2. In this Act,—

“Nabadwip Lodging-house Fund” means the Fund constituted under the provisions of the Puri Lodging-house Act, 1871, as amended by the Puri Lodging-house (Extension) Act, 1879, for the town of Nabadwip for the purposes of the said Acts.

Repeal of Ben. Act IV of 1871, and Ben. Act II of 1879. 3. (1) The Puri Lodging-house Act, 1871 and the Puri Lodging-house (Extension) Act, 1879, are hereby repealed.

(2) All properties and assets vested in the Nabadwip Lodging-house Fund shall stand transferred to the State Government.

(3) The State Government may, by order made in this behalf, retransfer all or any of such properties or assets to a local authority and thereupon such properties or assets shall vest in such local authority.

¹For Statement of Objects and Reasons and Financial Memorandum, see the *Calcutta Gazette, Extraordinary*, of the 26th June, 1964, Part IVA, page 1958; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 18th August, 1964; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 17th August, 1964.

602 *The West Bengal Appropriation (Excess Expenditure, 1959-60 and 1960-61) Act, 1964.*

[West Ben. Act

(Schedule 1.)

SCHEDULE 1.

(See sections 2 and 3.)

1	2	3		
Grant No.	Services and purposes.	Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
		Rs.	Rs.	Rs.
6	11—Registration	88,762	...	88,762
14	25—General Administration	10,99,704	...	10,99,704
15	27—Administration of Justice	2,34,079	...	2,34,079
16	28—Jails	11,343	...	11,343
18	30—Ports and Pilotage	1,17,493	...	1,17,493
20	37—Education	1,59,36,900	...	1,59,36,900
28	72—Capital Outlay on Industrial Development—Cottage Industries.	...	3,671	3,671
29	43—Industries—Cinchona	7,384	...	7,384
37	57—Miscellaneous—Contributions ... ..	...	37,308	37,308
39	57—Miscellaneous—Expenditure on displaced persons.	49,88,434	...	49,88,434
46	85A—Capital Outlay on Schemes of Government Trading.	1,09,38,100	118	1,09,38,218
	Grand Total ...	3,32,72,199	41,097	3,34,13,296

*The West Bengal Appropriation (Excess Expenditure, 1959-60 and
1960-61) Act, 1964.*

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XV of 1964.]

(Schedule II.)

SCHEDULE II.

(See sections 2 and 3.)

1 Grant No.	2 Services and purposes.	3		
		Sums not exceeding		
		Voted by the Legislative Assembly.	Charged on the Conso- lidated Fund.	Total.
		Rs.	Rs.	Rs.
6	11—Registration	2,282	...	2,282
10	17—Interest on Irrigation Works (Commer- cial)	...	20,824	20,824
14	25—General Administration	3,10,333	...	3,10,333
15	27—Administration of Justice	2,48,475	...	2,48,475
18	30—Ports and Pilotage	18,361	...	18,361
20	37—Education	96,04,859	...	96,04,859
21	38—Medical	12,09,209	...	12,09,209
30	47—Miscellaneous Departments—Fire Services.	5,146	...	5,146
33	47—Miscellaneous Departments—Exclud- ing Fire Services and Welfare of Scheduled Tribes, etc.	9,80,406	...	9,80,406
34	50—Civil Works ... ..	...	32,527	32,527
37	55—Superannuation Allowances and Pensions.	4,27,207	...	4,27,207
41	82—Capital Account of Other State Works outside the Revenue Account —Expenditure on displaced persons.	...	41	41
43	63—Extraordinary Charges	...	1,244	1,244
	Grand Total ...	1,28,06,278	54,636	1,28,60,914

West Bengal Act XXV of 1964¹

THE WEST BENGAL MINING SETTLEMENTS (HEALTH AND WELFARE) ACT, 1964.

[26th November, 1964.]

An Act to provide for the better control and sanitation of mining settlements in West Bengal.

It is hereby enacted in the Fifteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the West Bengal Mining Settlements (Health and Welfare) Act, 1964.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

(3) This section shall come into force at once ; the remaining sections shall come into force on such date or dates as the State Government may, by notification, appoint and, for this purpose, different dates may be appointed for different sections of this Act or for different areas to be specified in the notification.

2. (1) The Bengal Mining Settlements Act, 1912, is hereby repealed :

Repeal of
Ben. Act
II of 1912.

Provided that—

(i) any mining settlement declared, Mines Board of Health appointed, limits defined, appointment, rule, by-law or order made, notification or notice issued, expenses charged or assessed, or contract entered into under the said Act, shall, so far as may be, be deemed to have been respectively declared, established, defined, made, issued, charged or assessed, or entered into under this Act ;

(ii) any legal proceeding commenced under the said Act may be continued as if the said Act had not been repealed ;

¹For Statement of Objects and Reasons and the Financial Memorandum, see the *Calcutta Gazette, Extraordinary* of the 6th November, 1962, Pt. IVA, page 8259 and page 8260, respectively ; for Report of the Joint Committee, see the *Calcutta Gazette, Extraordinary* of the 29th July, 1964, Pt. IVA, pages 2351-2370 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 8th August, 1963, and 18th and 21st September, 1964 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meetings of that Council held on the 19th August, 1963 and the 6th October, 1964.

606 *The West Bengal Mining Settlements (Health and Welfare) Act, 1964.*

[West Ben. Act

(Chapter I.—Preliminary.—Sections 3, 4.)

(iii) the State Government may, by notification, abolish any such Mines Board of Health or reconstitute it in accordance with the provisions of this Act.

(2) All properties, movable or immovable and all interests of whatever nature or kind therein, held by or on behalf of any Mines Board of Health appointed under the Bengal Mining Settlements Act, 1912, shall continue to be vested in such Board, being a Board deemed under clause (i) of the proviso to sub-section (1) to have been established under this Act, and, where a notification abolishing or reconstituting such Board is issued under clause (iii) of the proviso to sub-section (1), shall stand transferred on and from such date and to such other Mines Board of Health, whether established under section 6 or deemed under clause (i) of the proviso to sub-section (1) to have been established under this Act, as may be specified in the notification.

Ben Act
II of 1912.

Definitions. 3. In this Act, unless there is anything repugnant in the subject or context,—

- (a) "Board" means a Mines Board of Health established or deemed to have been established under this Act and when used in relation to a mining settlement means the Board for such mining settlement ;
- (b) "notification" means a notification published in the *Official Gazette* ;
- (c) "owner", when used in relation to a mine, means any person who is in occupation of the mine or any part thereof and carries on the business, or is a contractor for the working, of such mine or part and, except for the purposes of section 27, includes the Government :

Provided that where any person is deemed, under the proviso to section 76 of the Mines Act, 1952, to be the owner of a mine for the purposes of that Act, such person shall be deemed to be the owner of the mine also for the purposes of this Act ;

85 of 1952.

- (d) "prescribed" means prescribed by rules made by the State Government under this Act ;
- (e) the expressions "employed" and "mine" have the same meaning as in the Mines Act, 1952.

**Declara-
tion of
area as
mining
settlement.**

4. (1) Whenever it appears to the State Government that it is necessary in the public interest to provide for the planned construction of buildings and structures, proper sanitation and water supply and prevention of the outbreak and spread of epidemic diseases, in any area, not being or not forming part of any mine, within which persons employed in a mine or mines reside, the State Government may publish in the *Official Gazette* a notice of its intention to declare such area to be a mining settlement for the purposes of this Act.

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XXV of 1964.]

*(Chapter I.—Preliminary.—Section 5.—Chapter II.—The
Mines Board of Health.—Sections 6, 7.)*

(2) A notice under sub-section (1) shall define the limits of the area intended to be declared to be a mining settlement and shall specify a period within which any objection or suggestion in regard to the intended declaration may be submitted by any person to the State Government for its consideration.

(3) On the expiry of the period for submitting objections or suggestions specified in a notice published under sub-section (1) the State Government may, after considering the objections or suggestions, if any, in regard to the intended declaration submitted to it within such period, by notification,—

(a) withdraw the notice, or

(b) declare that the area, the limits whereof have been defined in the notice, or such part thereof as may be specified in the notification, shall, for the purposes of this Act, be a mining settlement.

(4) The State Government may, by like notification issued following *mutatis mutandis* the procedure laid down in the foregoing sub-section, add to or alter the area included in a mining settlement.

5. The provisions of this Act shall not apply to any area included within a municipality constituted under the provisions of the Bengal Municipal Act, 1932.

Application
of the Act.

an. Act
V of
1964,

CHAPTER II.

THE MINES BOARD OF HEALTH.

6. (1) The State Government may, by notification, establish a Mines Board of Health for a mining settlement.

Establish-
ment and
incorpora-
tion of
Mines
Board of
Health.

(2) The Board shall, by the name of the Mines Board of Health of the mining settlement for which it is established, be a body corporate and shall have perpetual succession and a common seal with power to hold and acquire property, both movable and immovable, and, subject to such restrictions as may be prescribed, to transfer any such property held by it and to do all other things necessary for the purposes of this Act, and to sue and be sued in its corporate name.

7. (1) A Board shall consist of not less than sixteen and not more than seventeen members as follows :—

Constitu-
tion of
Board and
term of
office of
members,

(a) four members to be elected by owners of mines which employ persons residing within the mining settlement or by representatives of such owners duly authorised in the prescribed manner ;

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[West Ben. Act

(Chapter II.—The Mines Board of Health.—Section 7.)

- (b) one member to be elected by the members of the National Association of Colliery Managers and the members of the Indian Mines Managers' Association from amongst themselves ;
- (c) one member to be elected by the members of the West Bengal Branch of the Indian Medical Association from amongst medical practitioners registered under any law for the time being in force and residing or carrying on profession within the mining settlement ;
- (d) the Coal Mines Welfare Commissioner, *ex-officio* ;
- (e) not less than nine and not more than ten members to be appointed by the State Government of whom—
 - (i) one shall be a District Magistrate having jurisdiction within the mining settlement ;
 - (ii) two shall be members of the State Legislature residing within, or representing a territorial constituency extending over the whole or any part of, the mining settlement ;
 - (iii) one shall be a member of the *Zilla Parishad* having jurisdiction within the mining settlement ;
 - (iv) one shall be a woman social worker ;
 - (v) two shall be persons representing mine labourers ; and
 - (vi) not less than two and not more than three shall be such persons as the State Government may think fit.
- (2) The time and manner of election of members under sub-section (1) shall be such as may be prescribed.
- (3) If any of the electoral bodies mentioned in sub-section (1) fails to elect the requisite number of members within the prescribed period, the State Government shall fill up the seat or seats by appointment of a person or persons eligible for election by such body and any person so appointed shall be deemed to be a member of the Board as if he had been duly elected by such body.
- (4) An appointed or elected member of the Board shall hold office for a term of four years from the date of the first meeting of the newly formed Board after a general election of members, at which a quorum is present :

Provided that if the State Government thinks fit so to do for special reasons to be specified, it may, by notification in the *Official Gazette*, extend the said term of four years by such period or periods, not exceeding one year in the aggregate, as it may consider necessary.

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(Chapter II.—The Mines Board of Health.—Sections 8—10.)

(5) The term of four years referred to in sub-section (4), or, if the said term is extended under the proviso to that sub-section then, the term so extended, shall be held to include any period which may elapse between the expiry of the said term or extended term, as the case may be, and the date of the first meeting of the newly formed Board at which a quorum is present.

8. The State Government shall appoint two of the members of a Board to be the Chairman and the Vice-Chairman respectively of the Board.

Chairman
and Vice-
Chairman.

9. (1) The Chairman or the Vice-Chairman or any other member of a Board may resign his office by giving notice in writing—

Resigna-
tion of the
Chairman,
Vice-
Chairman
and other
members
of the
Board and
filling of
casual
vacancies.

(a) in the case of the Chairman of a Board, to the State Government, and

(b) in the case of the Vice-Chairman or any other member of a Board, to the Chairman of the Board who shall forthwith lay the notice before the Board,

and such resignation shall take effect from the date on which the resignation is accepted by the State Government or the Board, as the case may be.

(2) Leave of absence may be granted—

(a) to the Chairman of the Board, by the State Government, and

(b) to the Vice-Chairman or any other member of the Board, by the Board,

(3) Casual vacancies in the office of the Chairman, the Vice-Chairman or any appointed or elected member of the Board may be filled up by appointment or election, as the case may be, in the same manner in which the persons, in whose seats such casual vacancies occur, were appointed or elected and any person appointed or elected to fill any such casual vacancy shall hold office for the remainder of the term of office of the person in whose place he is so appointed or elected.

10. Subject to such conditions as may be prescribed, a Board may, for the transaction of business under this Act or the rules, by-laws or regulations made thereunder or for the purpose of making any order authorised thereby, delegate to the Chairman of the Board such of the powers or duties of the Board under this Act or the rules, by-laws or regulations made thereunder as the Board may think fit, and may, at any time, withdraw or modify any such delegation.

Delegation
of powers
and duties
of Board
to the
Chairman.

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[West Ben. Act

*(Chapter II.—The Mines Board of Health.—Section 11.—
Chapter III.—Establishment.—Sections 12—14.)*

Delegation
of powers
and duties
of Chair-
man to
Vice-
Chairman.

11. Subject to such conditions as may be prescribed, the Chairman of a Board may by order in writing delegate to the Vice-Chairman or any officer of the Board such of the powers or duties assigned to him by this Act or the rules, by-laws or regulations made thereunder as he may think fit, and may, at any time, in like manner withdraw or modify any such delegation.

CHAPTER III.

ESTABLISHMENT.

Health
Officers.

12. (1) A Board shall appoint a Health Officer or, if so required by the State Government, more than one Health Officer for the mining settlement.

(2) Such Health Officer or Health Officers shall be appointed in consultation with the State Government from amongst the members of the West Bengal Health Service on such terms and conditions as may be prescribed.

(3) Where more than one Health Officer are appointed for a mining settlement, the area over which each such officer shall have jurisdiction shall be specified in the order of appointment.

Sanitary
Inspectors
and other
officers and
servants of
the Board.

13. (1) A Board may, with the approval of the State Government, determine the number of Sanitary Inspectors and other officers and servants necessary for its administration and fix the salaries and allowances to be paid to them.

(2) The Board shall have the power to appoint such Sanitary Inspectors and other officers and servants as are referred to in sub-section (1).

(3) In appointing Sanitary Inspectors and other officers and servants the Board may specify the area or areas over which they shall exercise jurisdiction.

Powers
and duties
of Health
Officers
and
Sanitary
Inspectors.

14. (1) A Health Officer shall exercise within the area under his jurisdiction the powers conferred on him and perform the duties imposed upon him by or under this Act, and such other powers and duties consistent with the objects of this Act as the State Government or the Board concerned may, by general or special order, specify.

(2) A Sanitary Inspector shall, in respect of any area within the mining settlement for which he has been appointed, be subordinate to the Health Officer having jurisdiction over such area and shall perform such duties and exercise such powers as may be conferred upon him by or under this Act, or as may be delegated to him by the Health Officer with the consent of the Board concerned.

XV of 1964.]

(Chapter IV.—Duties of owners and occupiers of lands, buildings or structures in mining settlements.—Sections 15, 16.)

(3) Every Health Officer or Sanitary Inspector or such other officer of a Board as may be specified in this behalf by the State Government may, within the area over which he has jurisdiction,—

- (a) make such inquiries as he may think fit in order to ascertain whether the provisions of this Act and of the rules, by-laws and orders made thereunder are observed ;
- (b) enter, with such assistants (if any) as he may think fit, and inspect any place within such area at all reasonable times by day or by night ;
- (c) make inquiries regarding the sanitary condition of such area ; and
- (d) do all things necessary for the due discharge of the duties imposed upon him by or under this Act.

CHAPTER IV.

DUTIES OF OWNERS AND OCCUPIERS OF LANDS, BUILDINGS OR STRUCTURES IN MINING SETTLEMENTS.

15. (1) Buildings and structures constructed in any area after the declaration thereof as a mining settlement under section 4 shall conform to such conditions as to sanitation, water supply, safety of the dwellers therein and public health as may be prescribed.

(2) If a Board is satisfied that any building or structure within the mining settlement endangers the safety of the dwellers therein, it may, after giving the owner an opportunity of showing cause against the action proposed to be taken under this sub-section, order the demolition of such building or structure :

Provided that no such order shall be executed until after the expiry of the period of appeal or until any appeal filed against it has been disposed of.

(3) Where any building or structure, which was constructed before the declaration of the area in which it is situate as a mining settlement under section 4, is so demolished, the Board shall pay to the owner of such building or structure compensation, to be determined by such authority as the State Government may, by notification, specify in this behalf, for the actual loss sustained by him on account of such demolition.

Buildings and structures constructed within mining settlements to conform to prescribed conditions and power of Board to demolish buildings and structures in certain cases.

16. Any person aggrieved by an order under sub-section (2) or by the decision of the authority referred to in sub-section (3) of section 15 may, within thirty days from the date of the order or decision of such authority, as the case may be, prefer an appeal to the District Judge.

Appeal.

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(Chapter IV.—Duties of owners and occupiers of lands, buildings or structures in mining settlements.—Sections 17—19.)

Facilities to be afforded to Health Officers, Sanitary Inspectors and other officers and servants of the Board.

Power to undertake measures,

17. Every person owning or occupying any land, building or structure within a mining settlement shall furnish the Health Officer or Sanitary Inspector or such other officer or servant of the Board as may be specified in this behalf by the State Government, on requisition, with all reasonable facilities for entering upon such land, building or structure and for any inspection, examination or inquiry under this Act or the rules or by-laws made thereunder.

18. Subject to such restrictions as may be prescribed, a Board may, on the recommendation of the Health Officer or otherwise, undertake in the mining settlement such measures as it considers necessary to provide for—

- (i) the supply of filtered or other water ;
- (ii) sanitation, drainage, conservancy, maintenance of public health and prevention or abatement of nuisances ;
- (iii) the housing of residents in the mining settlement, whether permanent or temporary ;
- (iv) preventing the outbreak and spread of, and combating, epidemic and other diseases ;
- (v) the proper treatment of the sick by the establishment and maintenance of hospitals and dispensaries and a medical staff ;
- (vi) the regular inspection of food-stuffs exposed for sale in the mining settlement and report to food inspectors appointed under the Prevention of Food Adulteration Act, 1954 ;
- (vii) the registration of births, deaths and diseases in the mining settlement ;
- (viii) the carrying out generally of the purposes of this Act.

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Power to require owner of land, etc., to execute works and carry on operations,

19. (1) If a Board is satisfied that the necessity for the measures to be taken for any of the purposes specified in section 18 is distinctly referable to any act or omission on the part of the owner or occupier of any land, building or structure within the mining settlement, the Board may, by a notice specifying the measures to be taken, require such owner or occupier, as the case may be,—

- (i) to execute within a period to be fixed in the notice, such works as the Board may consider necessary,

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Act, 1964.*

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(Chapter IV.—Duties of owners and occupiers of lands, buildings or structures in mining settlements.—Sections 20, 21.)

- (ii) to maintain in good repair any work executed in accordance with such notice,

at his own expense.

(2) If a Board is satisfied that in order to prevent or abate a nuisance affecting the public health it is necessary that any owner or occupier of any land, building or structure in any part of the mining settlement should take any measures with respect to any such land, building or structure belonging to him or in his possession or under his management, the Board may by notice require such person to take such measures at his own expense.

(3) If in any of the cases referred to in sub-sections (1) and (2) the Board is satisfied that immediate action is necessary, the Board may, for reasons to be recorded by it in writing, by a notice specifying the measures to be taken and the estimated expenses thereof (if any), declare its intention of itself taking such measures at the expense of the owner or occupier of the land, building or structure concerned.

20. (1) Any person who is required by a notice under sub-section (1) or sub-section (2) of section 19 to take any measures, may prefer an objection in writing to the Board within fifteen days from the date of service of the notice on him.

Objection against regulation.

(2) The Board may, after considering the objections (if any) preferred under sub-section (1), withdraw, modify or confirm the notice.

21. Subject to the provisions of section 22, where a notice is modified or confirmed under sub-section (2) of section 20, if any measures required to be taken by the notice, as so modified or confirmed, be not taken, to the satisfaction of the Board within the period fixed by the notice, or within such further period (if any) as may be allowed by the Board, or if any work executed in carrying out such measures be not maintained in good repair to the satisfaction of the Board, or where, in any case, the Board has declared its intention of itself taking any measures under sub-section (3) of section 19, the Board may cause such measures to be taken or such repairs effected in such manner as the Board may think fit, and the expenses incurred therefor shall be recoverable from the defaulting owner or occupier of the land, building or structure concerned, as a public demand.

Power to execute work, etc. in default of owner or occupier and to recover expenses.

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*(Chapter IV.—Duties of owners and occupiers of lands, buildings
or structures in mining settlements.—Sections 22, 23.)*

Appeal
from
declara-
tions and
orders
under
sections
19(3)
and 20(2).

22. Any person aggrieved by any declaration made under sub-section (3) of section 19 or by an order passed under sub-section (2) of section 20 may appeal to the Commissioner of the Division within which the mining settlement is situate within thirty days from the date of such declaration or order :

Provided that the filing of such an appeal shall not by itself operate, unless the Commissioner so directs, as a stay of execution of any work to be executed in carrying out any measures by the Board during the pendency of the appeal :

Provided further that where any work is executed during the pendency of any such appeal and the appeal is subsequently allowed, the costs of execution shall be borne by the Board.

Imposition
of fee,
water rate
and con-
servancy
rate.

23. (1) For the purpose of meeting the expenses to be incurred by a Board under this Act, the Board may, in such manner and subject to such terms and conditions as may be prescribed, impose and assess on the owners of a mine or mines, the employees of which reside within the mining settlement, after giving such owners an opportunity of being heard,—

- (a) a fee payable by all such owners, and also
- (b) a water rate and a conservancy rate, payable by the owners of mines the employees of which reside within the area or areas in respect of which provision has been made by the Board—
 - (i) in the case of water rate, for the supply of water, and
 - (ii) in the case of conservancy rate, for the cleansing of private latrines, urinals and cesspools.

(2) The assessment of the fee, water rate and conservancy rate referred to in sub-section (1) shall be made, on the basis of quantity of annual output of the mine, at such rate, not exceeding,—

- (i) in the case of the fee, rupees ten per hundred metric tonnes,
- (ii) in the case of the water rate, fifteen paise per metric tonne, and
- (iii) in the case of the conservancy rate, twenty-five paise per metric tonne,

as the Board may fix with the previous approval of the State Government.

(3) The fee, water rate or conservancy rate, imposed under this section, shall be recoverable as a public demand.

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Act, 1964.***

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*(Chapter IV.—Duties of owners and occupiers of lands,
buildings or structures in mining settlements.—
Section 24.—Chapter V.—The Mining Settlement Fund.
—Section 25.)*

(4) Subject to the approval of the State Government the Board may, on such terms as may be prescribed, supply water or render conservancy services to private persons, Railway Authority, local authorities and industrial concerns within the mining settlements.

24. (1) When any land whether within or without the limits of a mining settlement is required for the purposes of this Act, the State Government may, on the application of the Board, proceed to acquire it under the provisions of the Land Acquisition Act, 1894.

Acquisition
of land.

1 of 1894.

(2) The Board shall be bound to pay to the State Government the expenses of acquiring any land for the Board on its application under the provisions of sub-section (1). Such expenses shall include the compensation awarded under the Land Acquisition Act, 1894, the charges incurred by the State Government in acquiring the land and the costs, if any, incurred by the State Government in proceedings, subsequent to the acquisition, relating to the enhancement of the award for the land.

(3) The State Government shall, on payment to it by the Board of the expenses referred to in sub-section (2), relating to the acquisition of any land, by notification, vest the land in the Board, and thereupon the land shall vest in the Board free from all incumbrances.

CHAPTER V.

THE MINING SETTLEMENT FUND.

25. (1) Every mining settlement shall have a fund to be called "the Mining Settlement Fund". Such fund shall be vested in the Board, and there shall be placed to the credit thereof—

The Mining
Settlement
Fund.

- (a) all sums charged and received by the Board under the provisions of this Act ;
- (b) all sums paid to the Board out of the Consolidated Fund of the State by the State Government and all sums borrowed by the Board under the Local Authorities Loans Act, 1914, for the purpose of carrying out the provisions of this Act ;
- (c) all grants received from any local authority, association or private person ;
- (d) all sums realized as expenses, fees, fines, penalties or otherwise under this Act or the rules or by-laws made thereunder ;

9 of 1914.

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(Chapter V.—*The Mining Settlement Fund.*—Section 26.)

(e) all other sums received by or on behalf of the Board.

(2) The custody and the investment of the money to the credit of a Mining Settlement Fund shall be such as may be prescribed.

26. (1) A Mining Settlement Fund shall be applied for the following purposes, namely :—

Applica-
tion of the
Fund.

- (i) the payment of expenses incurred by the Board for the purposes of this Act and the rules, by-laws and regulations made thereunder ;
- (ii) the payment of contributions or grants for the prevention and control of epidemic and other diseases and for welfare activities in the mining settlement, including contributions referred to in sub-section (2) ;
- (iii) the payment of any sums which the Board may be liable to pay as interest on loans, and to the re-payment of the principal of such loans ;
- (iv) the payment of the cost of audit ;
- (v) the payment of the salaries and allowances of the officers and servants employed by the Board ;
- (vi) the payment of expenses incurred by the Board in providing medical assistance, in accordance with regulations made under this Act, to the officers and servants employed by the Board ;
- (vii) the payment of contributions to a provident or annuity fund for the officers and servants employed by the Board ;
- (viii) the payment of pensions and gratuities to the officers and servants employed by the Board and to the members of the families of such officers and servants ;
- (ix) the payment of travelling allowances to members of the Board ;
- (x) the payment of any advances to the officers and servants employed by the Board to enable them to acquire or construct residences for themselves or to enable them to purchase vehicles for use by them in discharging the duties imposed on them by or under this Act ;
- (xi) the payment of any other lawful expenses or of any expenses specially sanctioned by the State Government.

(2) If any medical or public health institution, hospital, dispensary or clinic is established and maintained by the State Government within a mining settlement for the benefit of persons residing within the settlement including those employed in mines, the State Government may require the Board to contribute such share of the cost of establishment and maintenance of the institution, hospital, dispensary or clinic, so established and maintained, as the State Government may consider reasonable.

XXV of 1964.]

(Chapter VI.—Penalties.—Sections 27, 28.)

CHAPTER VI.

PENALTIES.

27. (1) Whoever obstructs any Health Officer or Sanitary Inspector or other person duly authorised by a Board to discharge any duties under this Act or the rules or by-laws made thereunder in the discharge of such duties or refuses or wilfully neglects to furnish him with the means necessary for making any entry, inspection, examination or inquiry thereunder in relation to any mining settlement, or withholds any information necessary for the purposes of such inquiry, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

Penalties
for
offence.

(2) Whoever makes, gives or delivers any notice or return required to be given by or under this Act containing a statement, entry or detail which is not, to the best of his knowledge or belief, true, shall be punishable with fine which may extend to five thousand rupees.

(3) Whoever commits a breach of the requirements—

(a) of any notice or order made under any provision of this Act or any rule, by-law or order made thereunder, or

(b) of any provision of this Act or any rule, by-law or order made thereunder,

for which no penalty is otherwise provided, shall be punishable with fine which may extend to five thousand rupees, and, in the case where such breach is a continuing breach, with a further fine which may extend to one hundred rupees for every day during which the breach is proved to have been persisted in after the date on which the requirements become operative.

28. (1) If the person committing an offence punishable under this Act is a company, every person in charge of and responsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Offences
by
companies.

Provided that in the case of an offence punishable with fine the company shall also be liable to be proceeded against and punished.

(2) Notwithstanding anything contained in sub-section (1), where an offence punishable under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the

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(Chapter VII.—Miscellaneous.—Sections 29—33.)

commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, not being a person deemed under sub-section (1) to be guilty of the offence, such director, manager, secretary or other officer shall be deemed to be guilty of abetment of such offence and shall be liable to be proceeded against and punished in the same manner as the person deemed under sub-section (1) to be guilty of the offence.

Explanation.—For the purposes of this section—

- (a) “company” means any body corporate and includes a firm or other association of individuals, and
- (b) “director” includes a share-holder and also—
 - (i) in relation to a firm, a partner in the firm, and
 - (ii) in relation to an association of individuals, a member of the association,

CHAPTER VII.

MISCELLANEOUS.

Saving.

29. No act or proceedings of a Board, and no act of any of its officers, shall be called in question merely on the ground of the existence of any vacancy in, or defect in the constitution of, the Board or any defect in the appointment of such officer.

Act to
override
other laws,
etc.

30. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or any instrument made thereunder.

Health
Officers,
Sanitary
Inspectors
and other
officers and
servants of
the Board
to be
public
servants.

31. All Health Officers and all Sanitary Inspectors and such other officers and servants of a Board as the State Government may specify by order made in this behalf shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Act 45 of
1960.

Protection
to persons
acting in
good faith.

32. No suit or other legal proceeding shall lie against any person for anything done or intended to be done in good faith under this Act or the rules, by-laws or regulations made thereunder.

Protection
to persons
obeying
orders.

33. No person shall be liable for any breach of contract if such breach be due to an order from a Board under this Act or the rules, by-laws or regulations made thereunder.

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(Chapter VII.—Miscellaneous.—Section 34.)

34. (1) The State Government may, by notification, make, after previous publication, rules for carrying out the purposes of this Act in respect of any mining settlement or any group or class of mining settlements and different rules may be made for different mining settlements or for different groups or classes of mining settlements.

Power to
make
rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the time and manner of holding elections of members of the Board under sub-section (1) of section 7 ;
- (b) leave of members of the Board including leave of the Chairman and the Vice-Chairman ;
- (c) the powers and procedure of the Board including the calling of, and the conduct of business at, meetings and the number of members required to form a quorum thereat, the delegation to, and exercise by, the Chairman of powers vested in a Board, and the delegation by the Chairman of his powers and functions to the Vice-Chairman or any officer of such Board ;
- (d) the powers and duties of Health Officers and Sanitary Inspectors ;
- (e) appeals from any orders passed under this Act where no specific provision exists in this Act for such appeals ;
- (f) the manner in which and the terms and conditions subject to which the imposition and assessment of fees and rates referred to in section 23, may be made by the Board ;
- (g) the control of expenditure to be incurred by the Board ;
- (h) the custody of the Mining Settlement Fund, the maintenance of accounts of a Board and audit thereof and the preparation and submission of its estimates of income and expenditure ;
- (i) the conditions as to sanitation, water supply, safety of dwellers and public health, to which buildings or structures within a mining settlement should conform and controlling the construction thereof ;
- (j) determining the standards of accommodation in cases where accommodation is provided by a Board or owners of mines within the mining settlement for persons employed in mines ;
- (k) defining the medical assistance to be provided by the owners of mines for their employees who reside within a mining settlement ;
- (l) any other matter which may be or is required to be prescribed.

[West Ben. Act

(Chapter VII.—Miscellaneous.—Section 35.)

(3) All rules so made shall be laid for not less than fourteen days before the State Legislature as soon as possible after they are made and shall be subject to such modification, if any, as the State Legislature may make during the session in which they are so laid.

(4) Any modification made by the State Legislature under sub-section (3) in the said rules shall be published by the State Government by notification, and shall, unless some later date is specified in such notification in this behalf, come into force on the date of such publication.

Power of
Board to
make by-
laws,

35. (1) Subject to such rules as may be made under section 34, a Board may, after previous publication, make by-laws,—

- (i) defining the duties of the owners of mines the employees of which reside within the mining settlement, and of all persons acting under them, in respect of such mining settlement ;
- (ii) defining the matters in respect of which notices, returns and reports shall be furnished by such owners of mines, the form of such notices, returns and reports, the persons and authorities to whom they are to be furnished, and the particulars to be contained therein ;
- (iii) defining the plans (if any) relating to the mines to be kept by such owners of mines and the manner and places in which they are to be kept for purposes of record ;
- (iv) providing for measures for the supply of filtered or other water and for sanitation, drainage and conservancy in the mining settlement ;
- (v) providing for the taking of measures to prevent the outbreak or spread of, and to combat, epidemic and other diseases in the mining settlement ;
- (vi) providing for the prevention or abatement of nuisances affecting the public health committed by any person within the limits of the mining settlement ; and
- (vii) generally for promoting the safety, health and welfare of employees of mines residing within the mining settlement.

(2) By-laws made under this section shall not take effect until they have been submitted to, and confirmed and published in the *Official Gazette* by, the State Government.

*The West Bengal Mining Settlements (Health and Welfare) 621
Act, 1964.*

XXV of 1964]

(Chapter VII.—Miscellaneous.—Sections 36—39.)

- 5 of 1952. **36.** Rules and by-laws made under this Act shall be subject to, and shall have effect in so far as they are not inconsistent with, the provisions of the Mines Act, 1952 and the rules and regulations made thereunder. Effect of rules and by-laws.
- 37.** (1) A Board may make regulations providing for— Power of Board to make regulations for certain matters.
- (a) the payment of contributions or grants for the prevention and control of epidemic and other diseases and for welfare activities in the mining settlement ;
 - (b) the qualifications, recruitment, suspension, dismissal, leave, salaries and allowances, medical assistance, and other conditions of service, of the officers and servants, other than Health Officers, employed by the Board ;
 - (c) the grant of pensions and gratuities out of the Mining Settlement Fund to the officers and servants of the Board other than Health Officers, including the grant of pensions and gratuities to members of the families of such officers and servants of the Board as have died of any disease contracted or injury suffered in the discharge of duties imposed by or under this Act which were attended with extraordinary bodily risk ;
 - (d) the creation and management of a provident or annuity fund, contributions to be made thereto by officers and servants of the Board, other than Health Officers, and by the Board ;
 - (e) the payment of advances to the officers and servants of the Board for the purpose of enabling them to acquire or construct residence for themselves or to purchase vehicles for use by them in discharging the duties imposed on them by or under this Act.
- (2) Regulations made by the Board under sub-section (1) shall not take effect until they have been submitted to, and confirmed by, the State Government.
- (3) The State Government may rescind any regulation which it has confirmed and thereupon such regulation shall cease to have effect.
- 38.** No prosecution shall be instituted for any offence under this Act or under any rule, by-law or order made thereunder, except under the authority of the Board. Prosecution at the instance of the Board.
- 39.** No Magistrate other than a Magistrate of the first class or a Sub-divisional Magistrate shall try any offence under this Act or under any rule, by-law or order made thereunder which is punishable with imprisonment. Cognizance of offences.

622 *The West Bengal Mining Settlements (Health and Welfare) Act, 1964.*

[West Ben. Act

(Chapter VII.—Miscellaneous.—Sections 40—44).

Powers of
Mines
Board
of Health
for obtain-
ing evi-
dence.

40. A Board shall have all the powers of a Civil Court for the purpose of enforcing the attendance of witnesses and compelling the production of documents ; and every person required by the Board to furnish information before it shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code.

Act 45 of
1860.

Service of
notices.

41. Any notice under section 19 shall, unless the contrary is proved, be deemed to have been duly served after seven days have elapsed from the date of its despatch by registered post to the usual place of residence or business of the person to whom it is addressed.

Power of
Director
of Health
Services,
West
Bengal.

42. (1) The Director of Health Services, West Bengal, or any other officer specially authorised by the State Government in this behalf, shall be entitled—

- (a) to inspect any movable or immovable property used or occupied by a Board or any work in progress under its direction ;
- (b) to inspect any work or institution constructed or maintained in whole or in part at the expenses of a Board and all registers, books, accounts or other documents relating thereto ;
- (c) to supervise the work of the Health Officers of a Board and to record, in writing, for the consideration of the Board, any observations he thinks proper in regard to the promotion of public health and welfare services within the mining settlement ;
- (d) to attend meetings of a Board and to address its members on any matter relating to public health and welfare services within the mining settlement.

(2) Every Board shall furnish such statements, accounts, reports or copies of documents as may be called for from time to time by the Director of Health Services, West Bengal, or such other officer as the State Government may authorise in this behalf.

Power of
State
Govern-
ment to
alter or
rescind
orders.

43. The State Government may, if it is of opinion that any order passed under this Act by a Board or any officer or servant of the Board is unreasonable or would work hardship or be not in the public interest, rescind or modify such order.

Board to
comply
with
directions
of the
State
Govern-
ment.

44. (1) A board shall comply with all such directions as may be given to it from time to time by the State Government having regard to the provisions of this Act.

(2) If at any time it appears to the State Government that a Board has made persistent default in carrying out any direction given to it under sub-section (1), whether in relation to the

*The West Bengal Mining Settlements (Health and Welfare) 623
Act, 1964.*

XXV of 1964.]

(Chapter VII.—Miscellaneous.—Section 44.)

functions of the Board referred to in section 18 or otherwise, the State Government may, by order in writing, fix a time for the carrying out of such direction.

(3) If within the time so fixed such direction is not carried out, the State Government may, by order in writing, appoint an officer not below the rank of District Magistrate to carry out such direction and the expenses of carrying it out shall be paid by the Board, within such time as may be fixed by the State Government in the order, from the Mining Settlement Fund to the officer so appointed.

(4) If such expenses are not paid under sub-section (3), the officer appointed under that sub-section may, with the previous sanction of the State Government, make an order directing the persons having the custody of the balance of the Mining Settlement Fund to pay either at one time or by instalments such expenses in priority to any other charges and such person shall pay accordingly.

West Bengal Act XXVI of 1964¹

THE POLICE (WEST BENGAL AMENDMENT) ACT, 1964.

[12th December, 1964.]

*An Act to amend the Police Act, 1861, in its application
to West Bengal.*

1861. WHEREAS it is expedient to amend the Police Act, 1861, in its application to West Bengal, for the purposes and in the manner hereinafter appearing ;

It is hereby enacted in the Fifteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. This Act may be called the Police (West Bengal Amendment) Act, 1964. Short title.

2. The Police Act, 1861 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be amended in the manner hereinafter provided. Applica-
tion of the
Act.

3. After section 4 of the said Act, the following section shall be and shall be deemed always to have been inserted, namely :— Insertion
of new
section 4A
in Act V
of 1861.

"Additional Inspector-General of Police. 4A. (1) If, at any time, the State Government considers it necessary so to do, it may appoint an officer to be the Additional Inspector-General of Police who shall be deemed to be subordinate to the Inspector-General of Police.

(2) The Additional Inspector-General of Police shall be competent to exercise or perform all or any of the powers, functions or duties conferred or imposed upon the Inspector-General of Police by or under this Act or any other law for the time being in force."

4. After section 34A of the said Act, the following section shall be inserted, namely :— Insertion
of new
section
34B.

'Prohibition of sale of tickets for admission to an entertainment except under the orders of, and at the place provided and price fixed by, the proprietor of the entertainment. 34B. (1) Any person who sells or attempts to sell tickets for admission to a place of entertainment, except under the orders of, and at the place provided and price fixed in this behalf by, the proprietor of the entertainment, shall, on conviction before a Magistrate, be liable to imprisonment for a term which may extend to three months or to fine which may extend to one hundred rupees or to both.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, of the 30th July, 1964, Part IVA, page 2373 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 17th September, 1964 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meetings of that Council held on the 25th and 28th September, 1964.

[West Ben. Act XXVI of 1964.]

(Section 4.)

- (2) Any police-officer not below the rank of Sub-Inspector may take into custody, without warrant, any person who, within his view, commits any offence punishable under sub-section (1) or seize any ticket in respect of which he is satisfied that any such offence has been committed.
- (3) A court trying any offence punishable under sub-section (1) may, without prejudice to any other or further order or orders that may, in its opinion, be passed in the case, direct the forfeiture of any ticket which may have been seized under sub-section (2).

Explanation.—In this section,—

- (a) “entertainment” means any exhibition, performance, amusement, game or sport to which persons are admitted on production of tickets ; and
- (b) the expression “proprietor” in relation to any entertainment includes any person responsible for the management of such entertainment.”

West Bengal Act XXVII of 1964
THE WEST BENGAL GRAMDAN ACT, 1964.

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West Bengal Act XXVII of 1964¹

THE WEST BENGAL GRAMDAN ACT, 1964.

[4th January, 1965.]

An Act to provide for the establishment of gramdan villages and for matters ancillary thereto.

WHEREAS it is expedient to provide for the establishment of *gramdan* villages in pursuance of the *Bhudan Yagna* movement as initiated by Acharya Vinoba Bhave and matters ancillary thereto ;

It is hereby enacted in the Fifteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

CHAPTER I.

Preliminary.

- | | |
|--|---|
| 1. (1) This Act may be called the West Bengal <i>Gramdan</i> Act, 1964. | Short
title,
extent and
commence-
ment. |
| (2) It extends to the whole of West Bengal. | |
| (3) It shall come into force at once. | |
| 2. (1) In this Act, unless the context otherwise requires,— | Definitions. |
| (a) “adult” means a person who has completed twenty-one years of age ; | |
| (b) “allottee” means a person to whom land has been allotted for cultivation by a <i>Gram Parishad</i> under section 17 ; | |
| (c) “ <i>bargadar</i> ” means a person who under the system generally known as <i>adhi</i> , <i>barga</i> or <i>bhag</i> cultivates the land of another person on condition of delivering a share of the produce of such land to that person ; | |
| (d) “common land” in a village means waste land owned by the State Government and includes land used or reserved for use for the common purposes of the village ; | |
| (e) “donor” means a person who has donated land by way of <i>gramdan</i> under section 4 or section 7 ; | |

¹For the Statement of Objects and Reasons of the Bill, see the *Calcutta Gazette, Extraordinary*, of the 6th August, 1963, Part IVA, page 2424 ; the report of the Joint Committee of the West Bengal Legislature was published in the *Calcutta Gazette, Extraordinary*, of the 28th December, 1963, Part IVB, pages 4403-4422 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 26th August, 1963 and the 21st, 25th, 28th, 29th and 30th September, 1964 ; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meetings of that Council held on the 29th August, 1963 and the 7th October, 1964.

[West Ben. Act

(Chapter I.—Preliminary.—Section 3.)

West Ben,
Act I
of 1957.

- (f) "family" means a set of persons of near relationship to one another living together in commensality and includes the dependants of such persons living with them ;
- (g) "gramdan" means a donation of land situated in a village which is made voluntarily for the purposes of this Act ;
- (h) "gramdan village" means a village or a part of a village declared to be a *gramdan* village under section 5 ;
- (i) "Gram Panchayat" means a *Gram Panchayat* constituted under the West Bengal *Panchayat* Act, 1957 ;
- (j) "Gaam Parishad" means a *Gram Parishad* established under section 8 ;
- (k) "head of family" means the senior male member of a family who manages its affairs ;
- (l) "land" does not include homestead land ;
- (m) "landless persons" includes a person owning land not exceeding such limit as may be determined by the *Gram Parishad* of the *gramdan* village concerned ;
- (n) "owner" means—
 - (i) in relation to land held by a tenant with permanent or alienable interest in the land, the tenant ;
 - (ii) in relation to land held under a grant, lease or assignment from the State Government, the holder ; and
 - (iii) in relation to any other land, the person to whom the land belongs ;
- (o) "prescribed" means prescribed by rules made under this Act ;
- (p) "prescribed authority" means an authority appointed by the State Government, by notification in the *Official Gazette*, for all or any of the purposes of this Act ;
- (q) "regulations" means regulations made by a *Gram Parishad* under this Act ;
- (r) "village" means an area defined, surveyed and recorded as a distinct and separate village in the revenue records of the district in which it is situate.

(2) The expression signifying 'residing' in a village or a part of a village means residing ordinarily in such village or such part, and the expression 'resident' shall be construed accordingly.

3. The provisions of this Act shall have effect notwithstanding anything to the contrary in any other law for the time being in force.

Act to
override
other laws.

XXVII of 1964.]

(Chapter II.—The Gramdan Village.—Section 4.)

CHAPTER II.

The Gramdan Village.

4. (1) If any owner of land, not being a minor, desires to donate by way of *gramdan* all his lands in a village, he may file a declaration in the prescribed form before the prescribed authority.

Donation
of land by
way of
gramdan.

(2) A declaration under sub-section (1) shall not be valid unless it is made—

(a) in the case of land subject to mortgage, by the mortgagor and the mortgagee jointly ; and

(b) in the case of land held under a grant, lease or assignment from the State Government not conferring permanent or alienable interest, with the previous approval of the State Government.

(3) Every declaration under sub-section (1) shall be published in such manner as may be prescribed together with a notice in the prescribed form requiring all persons interested in the land, in respect of which the declaration has been made, to submit their objections, if any, in writing to the prescribed authority within forty-five days of the publication of the declaration.

(4) On the expiry of the period specified in sub-section (3), the prescribed authority may, after considering the objections, if any, and after making such further enquiries as it may think fit, by order, either confirm the declaration or refuse to confirm it.

(5) Any person aggrieved by an order of the prescribed authority under sub-section (4) may file an appeal from such order to the appellate authority prescribed in this behalf within sixty days from the date of the order, and subject to the decision of the appeal the order of the prescribed authority shall be final.

(6) A declaration which the prescribed authority has, by order, refused to confirm under sub-section (4) shall be of no force or effect.

(7) Where any land has been donated by way of *gramdan* before the commencement of this Act, any person may file a statement in the prescribed form before the prescribed authority giving particulars in respect of such land, and thereupon, the provisions of sub-sections (3), (4), (5) and (6) shall, so far as may be, apply to such statement.

(8) No owner of land who has filed a declaration in respect of his land under sub-section (1) shall be competent to transfer, or create any encumbrance on, the land unless and until an

[West Ben. Act

(Chapter II.—The Gramdan Village.—Sections 5, 6.)

order under sub-section (4) refusing to confirm the declaration, or an order under sub-section (3) of section 5 declaring the village in which the land is situated to be not qualified to be a *gramdan* village, has been made, whichever is earlier. Any transfer made or encumbrance created in contravention of this sub-section shall be void and inoperative.

Declara-
tion of
village as
gramdan
village.

5. (1) Where in a village or a part of a village—

- (a) the total area of lands in respect of which declarations filed under section 4 have been confirmed is not less than fifty-one *per cent.* of the total area of lands in such village or such part owned by the residents thereof ;
- (b) the number of persons whose declarations under section 4 have been confirmed is not less than seventy-five *per cent.* of the total number of persons owning land and residing in such village or such part ; and
- (c) not less than seventy-five *per cent.* of the heads of families residing in such village or such part have declared in the prescribed form and manner to participate in a community based on *gramdan* ;

the prescribed authority may, after making an inquiry in such manner as may be prescribed, by notification in the *Official Gazette*, declare such village or such part to be a *gramdan* village with effect from the date specified in such notification :

Provided that no part of a village shall be declared to be a *gramdan* village under this sub-section unless the number of persons residing therein is one hundred or more.

(2) A copy of a notification under sub-section (1) shall be displayed in a prominent place in the village and in conspicuous places in the offices of the Collector of the district and the Subdivisional Officer of the subdivision within which the village is situated, and the substance of every such notification shall be published in the prescribed manner.

(3) If the conditions mentioned in sub-section (1) are not satisfied within such time as may be prescribed, the prescribed authority may declare in the manner prescribed that the village or the part of the village, as the case may be, is not qualified to be a *gramdan* village and thereupon every declaration under section 4 shall, notwithstanding that it had been confirmed under sub-section (4) of that section, cease to have effect.

Effect of
Declaration
as
gramdan
village.

6. (1) With effect from the date from which a village or a part of a village is declared to be a *gramdan* village by notification under sub-section (1) of section 5—

- (a) all rights, title and interests of persons whose declarations have been confirmed under section 4 in respect of the lands covered by such declarations shall stand transferred to and vest in the *Gram Parishad* established for the *gramdan* village ;

XXVII of 1964.]

(Chapter II.—The Gramdan Village.—Section 7.—Chapter III.
The Gram Parishad.—Section 8.)

- (b) the *Gram Parishad* shall be liable to pay the land revenue or rent and other cesses and rates in respect of the lands vesting in the *Gram Parishad* falling due on, before or after the date of such vesting and shall also be liable for any mortgage subsisting in respect of such lands on the date of such vesting :

Provided, however, that the *Gram Parishad* shall be entitled to recover, in such instalments as it may fix, all amounts paid by it on account of any mortgage existing on such lands from the persons who donated such lands.

(2) The State Government may from time to time, by notification in the *Official Gazette*, transfer to the *Gram Parishad* for management, such common lands in the village as may be specified in the notification on such terms and conditions as may be specified therein. The State Government may also, in the like manner, cancel such notification whereupon all the rights of the *Gram Parishad* over such common lands shall cease.

7. (1) Any owner of land, not being a minor, holding land in a *gramdan* village for which a *Gram Parishad* has been established may, by declaration made to the prescribed authority in the prescribed manner, donate all his lands in the *gramdan* village, and upon the declaration being confirmed in the manner referred to in sub-section (2), the right, title and interest of the donor in respect of the lands donated shall be deemed to have been duly transferred to and shall vest in the *Gram Parishad*.

Donation
of land
in a
gramdan
village.

(2) The provisions of sub-sections (2), (3), (4), (5) and (6) of section 4 shall apply to a declaration under this section, as they apply to a declaration under sub-section (1) of section 4 :

Provided that no declaration shall be confirmed by the prescribed authority without the approval of the *Gram Parishad*.

CHAPTER III.

The *Gram Parishad*.

8. (1) The State Government shall, by notification in the *Official Gazette*, establish, with effect from the date specified in the notification under sub-section (1) of section 5, a *Gram Parishad* for the *gramdan* village.

Establish-
ment and
incorpora-
tion of
Gram
Parishad.

(2) The *Gram Parishad* shall be a body corporate having perpetual succession and a common seal with power to enter into contracts and, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and shall by its name sue and be sued.

[West Ben. Act

(Chapter III.—The Gram Parishad.—Sections 9—13.)

Composition of
Gram
Parishad.

9. Every adult residing in the *gramdan* village shall be a member of the *Gram Parishad* :

Provided that a person shall be disqualified for being a member of the *Gram Parishad*, if he—

- (i) is not a citizen of India, or
- (ii) has been adjudged by a competent Court to be of unsound mind.

Register of
members.

10. (1) On the establishment of a *Gram Parishad* the prescribed authority shall cause to be prepared a register in the prescribed form of all members of the *Gram Parishad*.

(2) The register prepared under sub-section (1) shall be revised and brought up to date at such intervals and in such manner as may be prescribed.

President
of Gram
Parishad.

11. (1) A *Gram Parishad* shall elect in the prescribed manner a President from among its members.

(2) The President shall perform such functions, exercise such powers and discharge such duties as may be provided by regulations.

(3) The term of office of the President shall be three years.

(4) A *Gram Parishad* may in such circumstances and in such manner as may be prescribed remove the President from office.

Commit-
tees of
Gram
Parishad.

12. (1) A *Gram Parishad* may constitute—

- (a) standing committees for performing such functions of the *Gram Parishad* as may be provided by regulations ;
- (b) *ad hoc* committees for inquiring into or reporting and advising on any matter which the *Gram Parishad* may refer to them.

(2) A *Gram Parishad* may dissolve or reconstitute such committees referred to in sub-section (1) in such circumstances and in such manner as may be provided by regulations.

Secretary
and other
officers of
Gram
Parishad.

13. A *Gram Parishad* may appoint—

- (a) a Secretary who shall exercise such powers and discharge such duties as may be provided by regulations or as may be delegated to him by the President ;
- (b) such other officers and servants as may be necessary for the due performance of the functions of the *Gram Parishad*.

XXVII of 1964.]

(Chapter III.—The Gram Parishad.—Sections 14—18.)

14. Notwithstanding anything contained elsewhere in this Act, a person shall be disqualified for—

- (a) being elected President of the *Gram Parishad*, or
- (b) being appointed member of any standing committee or *ad hoc* committee constituted by the *Gram Parishad*, or
- (c) being appointed Secretary of the *Gram Parishad*,

Disqualification for being elected President or appointed member of committee or Secretary.

if such person has been convicted by a Court of an offence which is declared by the State Government to be an offence involving moral turpitude, unless the State Government has, on sufficient cause being shown, removed the disqualification by an order made in this behalf.

15. Subject to the provisions of the rules, if any, made in this behalf, the business of a *Gram Parishad* and its committees shall be conducted in such manner as may be provided by regulations.

Conduct of business.

16. (1) A *Gram Parishad* shall constitute a land pool with not less than five *per cent.* of the total area of lands vested in it for the benefit of the landless persons residing in the *gramdan* village.

Land pool.

(2) A portion of land donated by each donor shall be treated as his contribution to the land pool.

(3) The *Gram Parishad* shall determine the extent of contribution of land by a donor to the land pool and in doing so shall have regard to the total area of the land donated by him.

17. (1) A *Gram Parishad* shall allot for cultivation to each donor all the lands donated by him excluding the portion of the land contributed to the land pool.

Allotment of land.

(2) A *Gram Parishad* may allot from the land pool land for cultivation to such landless persons residing in the *gramdan* village as it thinks fit.

(3) An allottee under sub-section (1) or sub-section (2) shall be liable to pay such rent and other charges to the *Gram Parishad* as may be fixed by it.

18. An allotment of land in the *gramdan* village by the *Gram Parishad* shall be subject to the following conditions, namely :—

Conditions of allotment of land.

- (a) the allottee shall cultivate the land personally or through a *bargadar* who must be a resident of the *gramdan* village :

Provided that if the land has been under cultivation by a *bargadar*, who is not a resident of the *gramdan* village, from before the commencement of this Act, it may continue to be cultivated by such *bargadar* :

Provided further that if at the time of the allotment the land has been under cultivation by a *bargadar*, whether he is a resident of the *gramdan* village or not, his cultivation shall not be terminated by the allottee except on the grounds and in the manner mentioned in section 17 of the West Bengal Land Reforms Act, 1955 ;

[West Ben. Act

(Chapter III.—The Gram Parishad.—Sections 19, 20.)

Explanation.—An allottee shall not be deemed to have cultivated the land personally unless he or any member of his family puts in labour on the land in any process of cultivation ;

- (b) the interest of the allottee in the land allotted shall be heritable in the same manner as other immovable property, but no transfer by the allottee of such interest shall be valid unless made to a member of the *Gram Parishad*, and with the consent of the *Gram Parishad* ;
- (c) the allottee may surrender the land to the *Gram Parishad* for consideration on such terms and conditions as may be agreed upon by them.

Power to
evict
allottee.

19. If any allottee of land contravenes the provisions of clause (a) of section 18, or fails without sufficient cause to cultivate the land for two consecutive years, the *Gram Parishad* may make an application to the prescribed authority for cancelling the allotment, and the prescribed authority may, after such inquiry as it deems fit, cancel the allotment and restore possession of the land to the *Gram Parishad* after ejecting the allottee or any other person in possession therefrom.

Annual
contribu-
tion to
*Gram
Parishad*.

20. (1) Subject to the provisions of sub-section (2)—

- (a) every allottee shall contribute annually to the *Gram Parishad* one-fortieth part of the produce of the land allotted to him, if such land is cultivated by him personally, or one-thirtieth part of his share of such produce, if such land is cultivated through a *bargadar* ;
- (b) if an allottee who resides in the *gramdan* village owns any land outside such village, he shall, in addition to the contribution referred to in clause (a), contribute annually to the *Gram Parishad* one-fiftieth part of the produce of such land, if such land is cultivated by him personally, or one-fortieth part of his share of such produce, if such land is cultivated through a *bargadar* ;
- (c) if a member of the *Gram Parishad*, who has made the declaration referred to in clause (c) of sub-section (1) of section 5, cultivates as a *bargadar* any land in the *gramdan* village or outside it, he shall contribute annually to the *Gram Parishad* one-thirtieth part of his share of the produce of such land ; and
- (d) if a member of the *Gram Parishad*, who has made the declaration referred to in clause (c) of sub-section (1) of section 5, is not required to make any contribution under clause (a), clause (b) or clause (c), he shall contribute annually to the *Gram Parishad* one-thirtieth part of his total net annual income in such monthly or quarterly instalments as may be convenient to him.

XXVII of 1964.]

(Chapter III.—The Gram Parishad.—Sections 21, 22.—Chapter IV.—The Gram Adalat.—Section 23.)

- (2) The *Gram Parishad* may, if it thinks fit to do so after considering the circumstances of any person liable to make a contribution under sub-section (1), reduce the rate or quantum of the contribution to be made by him to the *Gram Parishad*.

21. (1) The *Gram Parishad* shall have to power to manage the lands vested in it and to do all other things incidental thereto in the interest and for the benefit of the members of the *Gram Parishad*.

Powers and functions of the *Gram Parishad*

(2) In particular and without prejudice to the generality of the foregoing power, the *Gram Parishad* may—

- (a) arrange for the proper cultivation of the lands ;
- (b) set apart lands for the common purposes of the village ;
- (c) grant loans to the allottees of lands for purposes of cultivation ;
- (d) take measures for the improvement of lands and reclamation of waste lands including measures for the improvement of methods of cultivation ;
- (e) consolidate lands in the *gramdan* village by exchange of lands or otherwise ;
- (f) undertake any agricultural or non-agricultural enterprise in the interest of the residents of the *gramdan* village ;
- (g) apportion the produce of or income from the lands between the allottees and the *Gram Parishad* ; and
- (h) perform such other functions as may be authorised by the State Government by notification in the *Official Gazette*.

22. Any sum due to a *Gram Parishad* shall be recoverable upon requisition by the *Gram Parishad* as an arrear of land revenue.

Power of *Gram Parishad* to recover dues.

CHAPTER IV.

The *Gram Adalat*.

23. (1) The State Government may establish a *Gram Adalat* for a *gramdan* village consisting of such number of members of the *Gram Parishad* and in such manner as may be prescribed.

Gram Adalat.

(2) The *Gram Adalat* shall have power to try and dispose of—

- (a) any dispute of a civil nature between residents of the *gramdan* village which the parties have, by a written agreement, referred to the *Gram Adalat* for decision ;

[West Ben. Act

(Chapter IV.—The Gram Adalat.—Section 24.—Chapter V.—
The Gram Nidhi.—Sections 25—29.—Chapter
VI.—Miscellaneous.—Section 30.)

(b) any dispute regarding allotment of land by the *Gram Parishad* or the apportionment of produce of land between the *Gram Parishad* and an allottee.

(3) No other Court shall have jurisdiction to try any suit in respect of a dispute referred to in clause (a) or clause (b) of sub-section (2).

(4) The procedure to be followed by the *Gram Adalat* and the fees to be levied by it shall be prescribed by rules made under this Act.

Revision.

24. The District Judge having jurisdiction over a *gramdan* village may of his own motion, or on the application of any party, call for the record of a case decided by the *Gram Adalat* of the *gramdan* village, and if it appears to him that a failure of justice has occurred, he may make such order in the case as he thinks fit.

CHAPTER V.

The Gram Nidhi.

Gram
Nidhi.

25. Every *Gram Parishad* shall have a fund to be called the *Gram Nidhi* and all moneys received by the *Gram Parishad* on any account whatsoever shall be credited to, and all expenditure incurred by the *Gram Parishad* shall be paid out of, such fund.

Application
of Gram
Nidhi.

26. Subject to the provisions of this Act, the *Gram Nidhi* shall be applied by the *Gram Parishad* for purposes of this Act including the maintenance of destitute children and poor and disabled persons residing in the *gramdan* village.

Power to
receive
grants,
etc.

27. A *Gram Parishad* may receive grants, donations, bequests, gifts or loans from the Central or the State Government or any local authority or any person for all or any of the purposes of this Act.

Power to
borrow.

28. Subject to such rules as may be made in this behalf, the *Gram Parishad* shall have power to borrow money on the security of the *Gram Nidhi* or any property other than land belonging to it for any of the purposes for which the *Gram Nidhi* may be applied.

Accounts
and audit.

29. The accounts of the *Gram Nidhi* shall be kept and audited in such manner as may be prescribed.

CHAPTER VI.

Miscellaneous.

Power of
State Gov-
ernment to
remit cer-
tain duties,
fees, etc.

30. (1) The State Government may, by notification in the *Official Gazette*, remit—

(a) the stamp duty with which, under the law for the time being in force, any declaration of donation under section 4 or section 7 is chargeable ;

XXVII of 1964.]

(Chapter VI.—Miscellaneous.—Section 31.)

- (b) the stamp duty (other than stamp duties falling within entry 91 or entry 96 in List I in the Seventh Schedule to the Constitution) in respect of any instrument executed by, or on behalf of, a *Gram Parishad* in cases where, but for such remission, the *Gram Parishad* would be liable to pay the stamp duty chargeable under any law for the time being in force in respect of such instrument ; and
- (c) any fee payable by a *Gram Parishad* or any owner who donates land under section 4 or section 7 under any law for the time being in force for the registration of documents.

(2) The State Government may by general or special order in the case of any *Gram Parishad* remit any other duty, tax or fee payable by such *Gram Parishad* under any law for the time being in force which the State Government is competent to remit.

31. (1) The State Government may, at the request of a *Gram Parishad* and after consultation with the *Gram Panchayat* having jurisdiction over the *gramdan* village of the *Gram Parishad* concerned, declare, by notification in the *Official Gazette*, that the *Gram Parishad* shall exercise all the powers and perform all the duties and functions of the *Gram Panchayat* under the West Bengal *Panchayat* Act, 1957, or exercise such of the powers and perform such of the duties and functions of the *Gram Panchayat* as may be specified in the notification, in relation to the *gramdan* village.

Gram Parishad may be empowered to act as Gram Panchayat for the gramdan village.

; Ben.
[
1957.

(2) Upon the issue of a notification under sub-section (1) the following consequences shall ensue :—

- (a) if all the powers and duties and functions of the *Gram Panchayat* are to be exercised and performed by the *Gram Parishad*—
 - (i) the *Gram Panchayat* which functioned immediately before the notification shall, in relation to the *gramdan* village, cease to function therein ;
 - (ii) the *Gram Parishad* shall exercise all the powers and perform all the duties and functions of the *Gram Panchayat* in relation to the *gramdan* village ;
 - (iii) the provisions of the West Bengal *Panchayat* Act, 1957, shall, subject to such restrictions and modifications as the State Government may specify in the notification, apply to the *Gram Parishad* as if it were a *Gram Panchayat* constituted under the said Act for the *gramdan* village ;

[West Ben. Act

(Chapter VI.—Miscellaneous.—Section 32.)

(b) in any other case—

- (i) the *Gram Panchayat* shall cease to exercise the powers and perform the duties and functions specified in the notification in relation to the *gramdan* village ;
- (ii) the powers, duties and functions so specified shall be exercised and performed by the *Gram Parishad* in relation to the *gramdan* village ;
- (iii) the provisions of the West Bengal *Panchayat* Act, 1957, shall, subject to restrictions and modifications specified in the notification, apply to the *Gram Parishad* as if it were a *Gram Panchayat* constituted under the said Act for the *gramdan* village for the specified purposes.

West Ben.
Act I
of 1957.

(3) Any notification issued under sub-section (1) may contain such supplemental, incidental and consequential provisions as the State Government may deem necessary.

Super-
session
of *Gram*
Parishad.

32. (1) If, in the opinion of the State Government, a *Gram Parishad*—

- (a) is not competent to perform, or persistently makes default in performing, the duties imposed upon it by this Act, or
- (b) has exceeded or abused the powers conferred upon it by this Act, or
- (c) is not functioning in a manner consistent with the provisions of this Act or the rules framed thereunder,

the State Government may, after giving the *Gram Parishad* an opportunity of being heard, supersede it, by notification in the *Official Gazette*, for such period, not exceeding one year at a time, as the State Government may think fit.

(2) Upon supersession of a *Gram Parishad* under sub-section (1)—

- (a) the President and members of all committees constituted by the *Gram Parishad* shall vacate their office ;
- (b) all the powers and duties of the *Gram Parishad* shall be exercised and performed by such person or persons as the State Government may from time to time appoint in this behalf ;
- (c) all properties vested in the *Gram Parishad* and the *Gram Nidhi* shall, during the period of supersession, be vested in the State Government ;
- (d) the *Gram Adalat* established for the *gramdan* village shall cease to function and all pending suits and cases shall stand transferred to courts of competent jurisdiction.

(3) The State Government may, if it considers necessary so to do, extend or modify the period of supersession specified in the notification :

XXVII of 1964.]

(Chapter VI.—Miscellaneous.—Sections 33, 34.)

Provided that the period of supersession shall not be extended by more than one year at a time.

(4) On the expiration of the period of supersession as originally specified or extended, the *Gram Parishad* shall resume its functions and elect its President and constitute its committees, and the State Government shall establish the *Gram Adalat* in the manner provided in this Act.

(5) The income derived from the *gramdan* village during the period of supersession shall be used in defraying the costs of management and liquidating the liabilities of the *Gram Parishad* and the balance, if any, shall be credited to the *Gram Nidhi*.

33. (1) The State Government may, after previous publication, make rules to carry out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely :—

- (a) the form of declarations under this Act and the documents to be filed along with them ;
- (b) the authorities before which declarations and objections under this Act shall be filed ;
- (c) the manner of inquiries and the hearing and disposal of objections under this Act ;
- (d) the manner of preferring appeals, the authorities to whom they may be preferred and the procedure for hearing and disposal of such appeals ;
- (e) the revision of the register of members ;
- (f) the issue, service and execution of summons, notices and other processes of a *Gram Parishad* and *Gram Adalat* ;
- (g) the procedure to be followed by a *Gram Adalat* for hearing of cases and for execution of decisions and orders ;
- (h) the fees to be levied by *Gram Adalat* ;
- (i) the manner in which and conditions under which a *Gram Parishad* may borrow money ;
- (j) the maintenance and auditing of the accounts of the *Gram Nidhi* ; and
- (k) any other matter required to be prescribed or provided or made by rules.

34. (1) The *Gram Parishad* may, with the previous approval of the State Government, make regulations, not inconsistent with this Act or the rules made thereunder, for discharging its functions under this Act. Power to make regulations.

[West Ben. Act XXVII of 1964.]

(Chapter VI.—Miscellaneous—Section 34.)

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for the following matters, namely :—

- (a) the meetings of the *Gram Parishad*, the conduct of business thereat and the procedure for the disposal of its business ;
- (b) the election of the President ;
- (c) the powers and duties of the President and the Secretary ;
- (d) the circumstances and the manner in which the President may be removed from office ;
- (e) the constitution of standing and *ad hoc* committees, their powers and duties and terms of office, the conduct of business by committees, and the circumstances and the manner in which a committee may be dissolved or reconstituted ;
- (f) the appointment, remuneration and conditions of service of the Secretary and other officers and servants of the *Gram Parishad* ;
- (g) the principles to be followed in determining contribution of land by a donor to the land pool ;
- (h) the principles to be followed in the allotment of land and the levy of rent, fees or other charges for such allotment ;
- (i) any other matter for which provision is necessary for the purpose of enabling the *Gram Parishad* to perform its functions under this Act.

West Bengal Act XXVIII of 1964¹

THE WEST BENGAL HIGHWAYS ACT, 1964.

[5th January, 1965.]

An Act to provide for the maintenance and control of highways, the prevention of encroachments thereon and the removal of encroachments therefrom, and for certain other matters connected therewith.

WHEREAS it is expedient to provide for the maintenance and control of highways, the prevention of encroachments thereon and the removal of encroachments therefrom, and for certain other matters connected therewith ;

It is hereby enacted in the Fifteenth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

CHAPTER I.

Preliminary.

1. (1) This Act may be called the West Bengal Highways Act, 1964. Short title, extent and commencement.
- (2) It extends to the whole of West Bengal.
- (3) It shall come into force at once.
2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.
- (a) "District Magistrate" includes an additional District Magistrate ;
- (b) "encroachment" means any occupation or use of any highway or part thereof by any unauthorised person and includes any projection on, over or under such highway ;
- (c) "highway" means any road, street, path, way or land, other than a national highway, within the meaning of the National Highways Act, 1956, which is declared by the State Government to be a highway under section 3 and includes—
- (i) the flanks, footpaths, pavements and drains adjoining such highway ;

1956.

¹For Statement of Objects and Reasons and Financial Memorandum of the Bill, see the *Calcutta Gazette, Extraordinary*, of the 6th July, 1962, Part IVA, page 2079 ; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 1st, 5th, 6th and 7th August, 1963 and the 13th August, 1964 ; and for proceedings of West Bengal Legislative Council, see the proceedings of the meetings of that Council held on the 26th August, 1963 and the 18th August, 1964.

[West Ben. Act

(Chapter II.—Declaration of Highways.—Sections 3, 4.—
Chapter III.—Appointment of Highway Authority and his
functions.—Sections 5—7.)

- (ii) all bridges, culverts, causeways, carriageways and other structures built on or across such highway ; and
- (iii) any land in the possession of the State Government or any other authority adjoining such highway, used or intended to be used for purposes of the highway ;
- (d) "Highway Authority" means the authority appointed under section 5 ; and
- (e) "prescribed" means prescribed by rules made under this Act.

CHAPTER II.

Declaration of Highways.

Declara-
tion of
highway.

3. (1) The State Government may, by notification in the *Official Gazette*, declare any road, street, path, way or land to be a highway.

(2) Such notification may specify the boundaries of such highway.

(3) The Highway Authority may demarcate the boundaries of the highway by placing and maintaining stones or other suitable marks at intervals all along the highway in such manner as may be prescribed.

Public
right to
use a high-
way.

4. The right of the public to use a highway shall be subject to the provisions of this Act and the rules made thereunder.

CHAPTER III.

Appointment of Highway Authority and his functions.

Appoint-
ment of
Highway
Authority.

5. The State Government may, by notification in the *Official Gazette*, appoint one or more officers to be Highway Authority for the purposes of this Act.

Powers
and duties
of High-
way
Authority.

6. Subject to such conditions as may be prescribed, the Highway Authority shall exercise powers and discharge duties in accordance with the provisions of this Act relating to the maintenance and control of the highways, the prevention of encroachments thereon and the removal of encroachments therefrom, and matters incidental thereto.

Staff of the
Highway
Authority.

7. The State Government may appoint such staff as it deems necessary to assist the Highway Authority.

XXVIII of 1964.]

*(Chapter IV.—Prevention and removal of encroachment.—
Sections 8—10.)*

CHAPTER IV.

Prevention and removal of encroachment.

8. (1) No person shall make any encroachment without obtaining previous permission in writing of the Highway Authority or any officer not below the rank of an Assistant Engineer authorised by him in this behalf.

Permission
to make
encroach-
ment.

(2) The Highway Authority or such officer may, having due regard to the safety and convenience of traffic and subject to such conditions and on payment of such fee or other charge as may be prescribed, grant a permit to any person to use or occupy temporarily any land appertaining to or adjoining a highway for such period as may be specified therein.

(3) Any person holding a permit granted under sub-section (2) shall, if required, produce it for inspection before the Highway Authority or any officer authorised under sub-section (1) and shall on the expiry of the period specified therein restore the land under his use or occupation to its original condition and make over possession thereof to the Highway Authority or the officer referred to in sub-section (1).

9. (1) The Highway Authority may cancel any permit granted under section 8 if—

Power to
cancel per-
mission.

- (a) any fee or charge therefor is not duly paid, or
- (b) the purpose for which the permit was granted has ceased to exist, or
- (c) there is breach of any of the terms and conditions of such permit, or
- (d) the land covered by such permit is required by such authority, or
- (e) the use or the occupation of the land covered by the permit by the permit-holder is causing impediment, obstruction or inconvenience to the use of the highway by the public.

(2) Where the permit is cancelled under clause (b) or clause (d) of sub-section (1), the permit-holder shall be entitled to a refund, in respect of the unexpired period of the permit, of a proportionate amount of any fee or charge which may have been paid by him.

10. (1) If any person,—

Removal of
encroach-
ment.

- (a) is found to have made an encroachment on any road, street, path, way or land which is declared to be a highway under sub-section (1) of section 3, or
- (b) makes an encroachment on a highway in contravention of the provisions of section 8, or
- (c) does not remove an encroachment on the expiry or cancellation of any permit granted to him,

[West Ben. Act

*(Chapter IV.—Prevention and removal of encroachment.—
Section 11.)*

the Highway Authority or any officer authorised by him in this behalf shall serve a notice on him requiring him to remove the encroachment and restore the highway to its original condition within the period specified in the notice.

(2) If the encroachment is not removed within the time specified in the notice, the Highway Authority or the officer authorised under sub-section (1) may make an application to a Magistrate of the first class, having jurisdiction over the area, not being the District Magistrate, for removal of the encroachment and delivery of possession of the land encroached upon to the Highway Authority or such officer.

(3) Such Magistrate may, on receiving the application and after notice to the person responsible for the encroachment and on taking such evidence, if any, as he thinks fit, make an order authorising the authority or officer to recover possession and remove the encroachment in question and may, if necessary, direct the police to assist in the enforcement of the order.

(4) If the person responsible for the encroachment is aggrieved by the order of the Magistrate made under sub-section (3) he may, within fifteen days from the date of the Magistrate's order, appeal to the District Magistrate. The District Magistrate shall, after hearing the parties, make an order affirming, modifying or setting aside the order made under sub-section (3).

Recovery
of cost of
removal of
encroach-
ment.

11. (1) Any cost incurred by the Highway Authority or the officer authorised under sub-section (1) of section 10 in removing any encroachment shall be recoverable from the person responsible for the encroachment in the manner hereinafter provided after giving him an opportunity of making any representation he may wish to make in the matter.

(2) A notice of demand for such cost shall be served by such authority or officer on such person requiring payment of the same within such time as may be specified in the notice.

(3) If such person pays the cost of removal within the time specified in the notice referred to in sub-section (2), the materials, if any, obtained on removal of the encroachment shall be made over to him.

(4) If such person fails to pay up the amount of cost within the time specified, such materials may be sold in the manner prescribed and the proceeds appropriated towards the cost of removal, and the balance, if any, shall be made over to such person.

(5) If the proceeds do not cover the amount of cost the deficiency, or if there are no materials to be sold and if the amount of cost has not been paid within the time specified in the notice referred to in sub-section (2), the amount of cost shall be recoverable from the person responsible for the encroachment as a public demand.

XXVIII of 1964.]

*(Chapter V.—Supplemental provisions to secure safety of traffic and prevention of damage to highways.—
Sections 12—14.)*

CHAPTER V.

Supplemental provisions to secure safety of traffic and prevention of damage to highways.

12. (1) If any person, owning land adjoining a highway near a bend or a corner thereof, intends to construct a building or structure thereon, he shall make an application to the Highway Authority, in such form and with such particulars as may be prescribed, for approval, authorising such construction.

Restriction on the use of land adjoining a highway for the prevention of obstruction of view.

(2) If the Highway Authority is satisfied that such construction will not obstruct the view of persons using the highway, he shall give such approval.

(3) If the Highway Authority refuses to give such approval, he shall communicate the order of refusal to the applicant.

(4) The applicant may, within thirty days from the date on which such order of refusal is communicated to him, appeal to the State Government.

(5) The State Government may, after giving an opportunity to the applicant to be heard, dismiss the appeal, or allow it and give such approval.

(6) If the appeal is dismissed the State Government may, of its own motion or at the request of the owner, acquire the land or any part thereof in accordance with any law for the time being in force for the purposes of the highway.

(7) The State Government may authorise an officer, not below the rank of an Additional District Judge or an Additional District Magistrate, to hear and dispose of an appeal referred to in sub-section (4).

13. Where a highway or any portion thereof is not designed to carry vehicles of which the laden weight exceeds such limit as may be fixed by the Highway Authority in this behalf, he may, subject to such conditions as may be prescribed, prohibit or restrict the plying of such vehicles on or over such highway or such part of the highway.

Prohibition or restriction of use of vehicles on certain highways.

14. (1) If any portion of a highway is in need of immediate repairs or is or has been rendered unsafe for vehicular or pedestrian traffic by reason of damage or otherwise, the Highway Authority may, subject to such conditions as may be prescribed, either close that portion of the highway to all traffic or to any class of traffic temporarily for effecting repairs or protective works, or impose reasonable restrictions in respect of the speed or laden weight of vehicles using such portion of the highway.

Power to close highway temporarily or regulate traffic.

[West Ben. Act

*(Chapter V.—Supplemental provisions to secure safety of traffic and prevention of damage to highways.—Section 15.—**Chapter VI.—Penalties.—Sections 16—20.)*

(2) Where under sub-section (1) the Highway Authority closes any portion of a highway temporarily, any land adjoining such portion of the highway may be requisitioned or acquired in accordance with any law for the time being in force for the construction of a temporary diversion road.

(3) Any such temporary diversion road shall be deemed to be a part of the highway.

Prevention
of damage
to highway.

15. (1) No person shall cause, by any vehicle or animal in his charge or otherwise, any damage to or obstruction on any highway.

(2) The Highway Authority or any officer authorised by him may remove any obstruction from the highway and may, if necessary, ask the police for assistance in removing such obstruction.

CHAPTER VI.

Penalties.

Disobe-
dience of
orders, etc.

16. Whoever wilfully disobeys any prohibition or restriction imposed under section 13 or section 14, or obstructs any person or authority in the discharge of any functions that such person or authority is required or empowered under this Act to discharge, shall, on conviction, be punished with fine which may extend to five hundred rupees.

Penalty
for
removal of
boundary
mark.

17. Whoever wrongfully removes or tampers with any stones or marks placed by the Highway Authority for demarcating the boundaries of any highway shall, on conviction, be punished with fine which may extend to one hundred rupees.

Causing
damage to
highways.

18. Whoever in contravention of sub-section (1) of section 15 causes any damage to or obstruction on any highway, shall, on conviction, be punished with fine which may extend to one thousand rupees and shall in addition be liable to pay the cost of repair of such damage or the cost of removal of such obstruction, as the case may be.

General
provision
for punish-
ment of
offences.

19. Whoever contravenes any provision of this Act or of any rule or order made thereunder shall, if no other penalty is provided for the offence, be punished, on conviction,—

(a) for a first offence with fine which may extend to five hundred rupees,

(b) for a subsequent offence with fine which may extend to one thousand rupees.

Power to
compound
offences.

20. An offence committed by any person under this Act may be compounded by any Highway Authority on payment of such sum as such Authority may determine and on payment thereof—

XXVIII of 1964.]

(Chapter VII.—Miscellaneous.—Sections 21—25.)

- (a) no proceedings shall be commenced against such person ; and
- (b) if any proceedings have already been commenced against such person, such proceedings shall not be further proceeded with.

CHAPTER VII.

Miscellaneous.

21. The Highway Authority and the officers and other persons authorised or appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Certain persons to be public servants.

22. No Civil Court shall have jurisdiction in respect of any matter which the Highway Authority, or an officer or person authorised under this Act is empowered to deal with under the provisions of this Act.

Bar of jurisdiction.

23. No suit, prosecution or other legal proceedings shall be instituted against any authority or officer or person duly authorised under this Act in respect of anything in good faith done or intended to be done under this Act or the rules or orders made thereunder.

Protection of persons acting in good faith.

24. A notice issued under this Act may be served,—

Service of notice.

- (a) by delivering or tendering it or sending it by post to the person to whom it is addressed, or to his agent, or
- (b) if such a person or his agent is not found then by leaving it at his usual or last-known place of abode or by delivering or tendering it to some adult male member of his family :

Provided that if the address of such person is not known or such person cannot be traced at his last-known address service of notice at the site of the encroachment shall be deemed to be service on him for the purposes of this Act.

25. (1) The State Government may, by notification in the *Official Gazette*, and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules for all or any of the following matters :—

- (a) the conditions referred to in sub-section (2) of section 8 subject to which use or occupation of any land appertaining to or adjoining a highway may be permitted ;
- (b) the conditions subject to which the plying of vehicles may be prohibited or restricted under section 13 ;

[West Ben. Act XXVIII of 1964.]

(Chapter VII.—Miscellaneous.—Sections 26—28.)

- (c) the conditions subject to which traffic may be closed or reasonable restrictions in respect of the speed or laden weight of vehicles may be imposed under section 14 ;
- (d) the placing of boundary marks and their maintenance ;
- (e) forms of applications and notices under this Act ;
- (f) fees or charges which may be imposed or levied under this Act ;
- (g) discharge of functions under this Act by the Highway Authority ; and
- (h) any other matter which is to be or may be prescribed.

Savings.

26. Nothing in this Act shall affect—

- (a) the rights of any local authority to make any excavation for the purpose of laying, making, altering, repairing or renewing any sewer, drain, water course or other work ; or
- (b) the rights of any authority under any law for the time being in force to erect any support or make any excavation for the purpose of laying, making, altering, repairing or renewing any main, pipe, sluice, weir, electric line, duct, drain or other apparatus in respect of gas, water, electricity, railways, tramways or trolley vehicles ; or
- (c) any land belonging to a railway administration when such land is held or used by the railway administration for the purpose of its railway ; or
- (d) the powers of the telegraph authority under the provisions of the Indian Telegraph Act, 1885.

13 of :

Provisions
of this Act
or rules to
prevail
over
inconsistent
provisions
in other
laws.

27. Save as provided in section 26, the provisions of this Act or rules made thereunder shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

Repeal.

28. The Bengal Highways Act, 1925, is hereby repealed.

Ben. /
III of

**Part II—Eastern Bengal and Assam Acts, 1907
to 1912 in force in West Bengal.**

E. B. and A. Act II of 1907.¹

**(THE EASTERN BENGAL AND ASSAM DISORDERLY
HOUSES ACT, 1907).²**

[6th April 1907.]

An Act to provide for the discontinuance of Brothels and Disorderly Houses in certain localities in Eastern Bengal [and Assam].

WHEREAS it is expedient to make provisions for the discontinuance of brothels and disorderly houses in certain localities in Eastern Bengal [and Assam] ;

It is hereby enacted as follows :—

Bengal
Acts V of
1876 and
III of 1884.

1. (1) This Act may be called the Eastern Bengal and Assam Disorderly Houses Act, 1907 ;

Short title
and extent.

(2) It applies to all municipalities constituted under the Bengal Municipal Acts, 1876³ and 1884⁴ ; and

(3) The State Government may, by notification in the *Official Gazette*, extend it to any specified local area not being a municipality.

2. When any Magistrate of the first class receives information—

Power to
summon
owner, etc.
of brothel.

(a) that any house in the vicinity of any educational institution, or of any boarding-house, hostel or mess used or occupied by students, is used as a brothel or for the purpose of habitual prostitution, or as a disorderly house, or

¹This Act may be read along with the provisions of sec. 25 of the Suppression of Immoral Traffic in Women and Girls Act, 1956 (104 of 1956).

²LEGISLATIVE PAPERS—For the Report of the Select Committee on the Bill, see the E. B. and A. Gazette, 1907, Pt. V, page 15 ; and for Proceedings in Council, see *ibid*, 1906, Pt. VI, page 9 ; *ibid* 1907, Pt. VI, page 21.

LOCAL EXTENT.—This Act applies to all municipalities in *Eastern Bengal* constituted under the Bengal Municipal Act, 1884 (Ben. Act III of 1884), and may be extended, by notification, to any area in *Eastern Bengal*, see sec. 1.

This Act is repealed in the areas in which the Bengal Suppression of Immoral Traffic Act, 1933 (Ben. Act VI of 1933) is in force.

³Ben. Act V of 1876 was repealed and re-enacted in Bengal by Ben. Act III of 1884 which again has been repealed and re-enacted by the Bengal Municipal Act, 1932 (Ben. Act XV of 1932) and this reference should now be construed as a reference to the last mentioned Act. See the Bengal General Clauses Act, 1899 (Ben. Act I of 1899).

[E. B. & A. Act II of 1907.]

(Sections 3—7).

(b) that any house is used as aforesaid to the annoyance of the inhabitants of the vicinity, or

(c) that any house in the vicinity of a cantonment is used as a brothel or for the purpose of habitual prostitution,

he may summon the owner, tenant, manager, or occupier of the house to appear before him either in person or by agent to show cause why the use of such house should not be discontinued for any of the purposes or in any of the ways described in this section.

Order for
disconti-
nuance.

3. If the Magistrate is satisfied that the house is used as described in clause (a), clause (b), or clause (c), as the case may be, of the foregoing section, he may, by written order, direct such owner, tenant, manager or occupier, within a period to be stated in such order, not less than five days from the date thereof, to discontinue such use.

Failure to
appear.

4. If the owner, tenant, manager, or occupier, after being duly summoned, does not appear in person or by agent on the day fixed for his appearance, the Magistrate may pass an order under the foregoing section *ex parte*.

Initiation
of pro-
ceedings.

5. Prosecutions under section 2 shall be instituted only—

(a) with the sanction or by order of the District Magistrate ; or

(b) on the report of the Chairman of the Commissioners of the Municipality concerned, in pursuance of a resolution passed by the said Commissioners at a meeting ; or

(c) on the complaint of three or more persons occupying separate holdings and resident in the vicinity of the house to which the complaint refers.

Penalty.

6. If after the period stated in an order under section 3, the house is used in any of the ways described in section 2, the person against whom the order has been passed shall be punishable with fine that may extend to twenty-five rupees for every day after the expiration of that period during which the house is so used :

Provided that no fine shall be imposed on an owner if he is able to prove to the satisfaction of the Magistrate that he has taken such action as is within his power to comply with the order.

Power to
inspect
house.

7. When the use of a house in any of the ways described in section 2 has been directed by an order under section 3 to be discontinued, it shall be lawful for the District Magistrate, by an order in writing, to authorize any officer, not below the rank of a Sub-Inspector of Police, to enter and inspect the said house at any time after the expiration of the period specified in the order under section 3, for the purpose of satisfying himself that the order is being complied with.

